enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 382

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. CON. RES. 2

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

S. RES. 34

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 34, a resolution calling for the strengthening of the efforts of the United States to defeat the Taliban and terrorist networks in Afghanistan.

S. RES. 39

At the request of Mr. BYRD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 39, a resolution expressing the sense of the Senate on the need for approval by the Congress before any offensive military action by the United States against another nation.

AMENDMENT NO. 154

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 154 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 427. A bill to provide for additional section 8 vouchers, to reauthorize the Public and Assisted Housing Drug Elimination Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I am reintroducing the Affordable Housing Expansion and Public Safety Act to address some of the housing affordability issues faced by my constituents and by Americans around the country, including unaffordable rental burdens, lack of safe and affordable housing stock, and public safety concerns in public and federally assisted housing. My legislation is fully offset, while also providing $2.69 billion in deficit reduction over the next 10 years.

Increasing numbers of Americans are facing housing affordability challenges, whether they are renters or homeowners. But the housing affordability burden falls most heavily on low-income renters throughout our country. Ensuring that all Americans have safe and secure housing is about more than just providing families with somewhere to live, however. Safe and decent housing provides children with stable environments, and research has shown that students achieve at higher rates if they have secure housing. Affordable housing allows families to spend more of their income on life's other necessities including groceries, health care, and education costs as well as save money for their futures. I have heard from a number of Wisconsinites around my State about their concerns about the lack of affordable housing, homelessness, and the increasingly severe cost burdens that families have to undertake in order to afford housing.

This bill is especially needed now, given the breakdown in the fiscal year 2007 appropriations process. This week, the House is scheduled to pass a joint funding resolution to fund federal agencies through the rest of fiscal year 2007. I have heard from Wisconsinites concerned that the funding levels in the resolution could affect the ability of various local housing authorities to serve the same number of individuals as were assisted last year, never mind trying to serve the increasing numbers of individuals around the State who need housing assistance. Yesterday, the House Appropriations Committee filed the joint funding resolution and I am pleased to see the Committee included a boost in funding for Section 8 tenant-based and project-based vouchers, allowing HUD to renew the vouchers that are currently in use by families. In addition to maintaining the current level of vouchers, I hope that we in Congress can work together this year to fund new Section 8 vouchers to help address the critical rental assistance needs throughout the country.

My bill does not address every housing need out there, but I believe it is a good, necessary first step. My legislation does address a number of different issues that local communities in my State and around the country are facing, including the need for more rental assistance, the creation and preservation of more affordable housing units, and the ability to more adequately address public safety concerns of residents of federally assisted housing.

Congress needs to act on other vital housing needs this year including addressing the large shortfall in the public housing operating fund. I have heard from housing authorities ranging in size from Menomonie Housing Authority to Milwaukee Housing Authority about the shortfall in operating funds and the negative impact it is having on the communities these housing agencies are serving. This shortfall in operating subsidies impacts public housing authorities and the people they serve by reducing funding for maintenance costs associated with running buildings and limiting the services that housing authorities can provide, such as covering utility cost increases. The joint funding resolution filed yesterday also included an increase of $300 million for public housing authorities to pay for these important operating costs, including the increases in utility costs. This is a good start and we must continue working this year to provide much-needed assistance to these housing authorities and the individuals and families they serve.

Unfortunately, affordable housing is becoming less, not more, available in the United States. Research shows that the number of families facing severe housing cost burdens grew by almost two million households between 2001 and 2004. Additionally, one in three families spends more than 30 percent of their earnings on housing costs. The National Alliance to End Homelessness reports that at least 500,000 Americans are homeless every day and two million to three million Americans are homeless for various lengths of time each year. Cities, towns, and rural communities across the country are confronting a lack of affordable housing for their citizens. This is not an issue that confronts just one region of the Nation or one group of Americans. Decent and affordable housing is so essential to the well-being of Americans that the Federal Government must provide adequate assistance to our citizens to ensure that all Americans can afford to live in safe and affordable housing.

Congress has created effective affordable housing and community development programs, but as is the case with many of the Federal social programs, these housing programs are inadequately funded and do not meet the need in our communities. We in Congress must do what we can to ensure these programs are properly funded, while taking into account the tight fiscal constraints we are facing.

The Section 8 Housing Choice Voucher Program, originally created in 1974, is now the largest Federal housing program in terms of HUD's budget with approximately two million vouchers currently authorized. Yet the current number of vouchers does not come close to meeting the demand that exists in communities around our country. In my State of Wisconsin, the city of Milwaukee opened up their Section 8 waiting list for the first time since 1999 earlier this year for twenty four hours and received more than 17,000 applications. The city of Madison has not accepted new applications for Section 8

in over three years and reports that hundreds of families are on the waiting list.

Unfortunately, situations like this exist around the country. According to the 2005 U.S. Conference of Mayors Hunger and Homelessness Survey, close to 5,000 people are on the Section 8 waiting list in Boston. Detroit has not taken applications for the past two years and currently has a waiting list of over 9,000 people. Phoenix closed its waiting list in 2005 and reported that 30,000 families were on its waiting list. In certain cities, waiting lists are years long and according to the Center on Budget and Policy Priorities, the typical waiting period for a voucher was two and a half years in 2003. Given these statistics, it is clear there is the need for more Section 8 vouchers than currently exist.

While there are certainly areas of the Section 8 program that need to be examined and perhaps reformed, a number of different government agencies and advocacy organizations all cite the effectiveness of Section 8 in assisting low-income families in meeting some of their housing needs. In 2002, the Government Accountability Office determined that the total cost of a one-bedroom housing unit through the Section 8 program costs less than it would through other federal housing programs. The same year, the Bipartisan Millennial Housing Commission reported to Congress that the Section 8 program is ''flexible, cost-effective, and successful in its mission.''

The Commission further stated that the vouchers ''should continue to be the linchpin of a national policy providing very low-income renters access to the privately owned housing stock.'' The Commission also called for funding for substantial annual increments of vouchers for families who need housing assistance. This recommendation echoes the calls by advocates around the country, many of whom have called for 100,000 new, or incremental, Section 8 vouchers to be funded annually by Congress.

My bill takes this first step, calling for the funding of 100,000 incremental vouchers in fiscal year 2008. I have identified enough funds in my offsets to provide money for the renewal of these 100,000 vouchers for the next decade. While this increase does not meet the total demand that exists out there for Section 8 vouchers, I believe it is a strong first step. My legislation is fully offset and if it were passed in its current form, would provide for the immediate funding of these vouchers. I believe Congress should take the time to examine where other spending could be cut in order to continue to provide sizeable annual increases in new vouchers for the Section 8 program. According to the Congressional Research Service, incremental vouchers have not been funded since fiscal year 2002. During the past three to four years, the need for Federal housing assistance has grown and it will continue to grow in future years. We need to make a commitment to find the resources in our budget to ensure continued and increased funding for Section 8 vouchers.

We should examine doing more than just providing more money for Section 8. There have been numerous stories in my home State of Wisconsin about various concerns with the Section 8 program, ranging from potential discrimination on the part of landlords in declining to rent to Section 8 voucher holders to the administrative burdens landlords face when participating in the Section 8 program. Additionally, there are substantial concerns with the funding formula the Bush Administration is currently using for the Section 8 program. I look forward to working with my colleagues in this Congress to address these and other issues and make the Section 8 program more effective, more secure, and more accessible to citizens throughout the country.

But providing rental assistance is not the only answer to solving the housing affordability problem in our country. We must also work to increase the availability of affordable housing stock in our communities through facilitating production of housing units affordable to extremely low and very low income Americans. The HOME Investments Partnership Program, more commonly known as HOME, was created in 1990 to assist states and local communities in producing affordable housing for low income families. HOME is a grant program that allows participating jurisdictions the flexibility to use funds for new production, preservation, and rehabilitation of existing housing stock. HOME is an effective federal program that is used in concert with other existing housing programs to provide affordable housing units for low income Americans throughout the country.

According to recent data from HUD, since fiscal year 1992, over $23 billion has been allocated through the HOME program to participating jurisdictions around the country. There have been over 800,000 units committed, including over 200,000 new construction units. HUD reports that over 700,000 units have been completed or funded. Communities in my State of Wisconsin have received over $370 million since 1992 and have seen over 20,000 housing units completed since 1992. Cities and States around the country are able to report numerous success stories in part due to the HOME funding that has been allocated to participating jurisdictions since 1992. The Bipartisan Millennial Housing Commission found that the HOME program is highly successful and recommended a substantial increase in funding for HOME in 2002.

Unfortunately, for the past two fiscal years, the HOME program has seen a decline in funding. In fiscal year 2005, HOME was funded at $1.9 billion and in fiscal year 2006, HOME was funded at a little more than $1.7 billion. As a result of this decline in funding, all participating jurisdictions in Wisconsin saw a decline in HOME dollars, with some jurisdictions seeing a decline of more than six percent. We need to ensure these funding cuts to HOME do not continue in the future and we must provide more targeted resources within HOME for the people most in need.

But, as successful as the HOME program is, more needs to be done to assist extremely low income families. My legislation seeks to target additional resources to the Americans most in need by using the HOME structure to distribute new funding to participating jurisdictions with the requirement that these participating jurisdictions use these set-aside dollars to produce, rehab, or preserve affordable housing for extremely low income families, or people at 30 percent of area median income or below.

As we all know, extremely low income households face the most severe affordable housing cost burdens of any Americans. According to data from HUD and the American Housing Survey, 56 percent of extremely low income renter households deal with severe affordability housing issues while only 25 percent of these renters are not burdened with affordability concerns. HUD also found that half of all extremely low income owner households are severely burdened by affordability concerns. Data shows more than 75 percent of renter households with severe housing affordability burdens are extremely low income families and more than half of extremely low income households pay at least half of their income on housing. The Bipartisan Millennial Housing Commission has stated that ''the most serious housing problem in America is the mismatch between the number of extremely low income renter households and the number of units available to them with acceptable quality and affordable rents.'' The Commission also noted that there is no federal program solely for the preservation or production of housing for extremely low or moderate income families.

Because of these severe burdens and the high cost of providing safe and affordable housing to families at 30 percent or below of area median income, my bill would provide $400 million annually on top of the money that Congress already appropriates through HOME. I have heard from a number of housing advocates in Wisconsin that we have effective housing programs but the programs are not funded adequately. This is why I decided to administer this funding through the HOME program; local communities are familiar with the requirements and regulations of the HOME program and I think it is important not to place unnecessary and new administrative hurdles on local cities and communities.

Participating jurisdictions will be able to use this new funding under the eligible uses currently allowed by HOME to best meet the needs of the extremely low income families in their

respective communities. But participating jurisdictions must certify that this funding is going to extremely low income households and must report on how the funds are being utilized in their communities. Funds are intended to be distributed on a pro-rata basis to ensure participating jurisdictions around the country receive funding. I also require that the Secretary notify participating jurisdictions that this new funding for extremely low income households in no way excuses such jurisdictions from continuing to use existing HOME dollars to serve extremely low income families. It is my hope that this extra funding will provide an increased incentive to local cities and communities to dedicate more resources to producing and preserving affordable housing for the most vulnerable Americans.

My bill would also reauthorize a critical crime-fighting grant program: the Public and Assisted Housing Crime and Drug Elimination Program, formerly known as ''PHDEP.'' Unfortunately, the PHDEP program has not been funded since 2001, and its statutory authorization expired in 2003. It is time to bring back this important grant program, which provided much-needed public safety resources to public housing authorities and their tenants. My legislation would authorize $200 million per year for five years for this program.

After more than a decade of declining crime rates, new FBI statistics indicate that 2005 brought an overall increase in violent crime across the country, and particularly in the Midwest. Nationwide, violent crime increased 2.3 percent between 2004 and 2005, and in the Midwest, violent crime increased 5.6 percent between 2004 and 2005. Housing authorities and others providing assisted housing are feeling the effects of this shift, but just as the crime rate is rising, their resources to fight back are dwindling. We need to provide them with funding targeted at preventing and reducing violent and drug-related crime, so that they can provide a safe living environment for their tenants.

Reauthorizing the Public and Assisted Housing Crime and Drug Elimination Program should not be controversial. The program has long enjoyed bipartisan support. It was first sponsored by Senator LAUTENBERG in 1988, and first implemented in 1989 under then-Housing and Urban Development Secretary Jack Kemp. When in effect, it funded numerous crime-fighting measures in housing authorities all over the country.

In Milwaukee, grants under this program funded a variety of important programs. It provided funding to the Housing Authority of the City of Milwaukee to hire public safety officers who are on site 24 hours a day to respond to calls and intervene when problems arise, and who work collaboratively with local law enforcement agencies. According to the Housing Authority, by the time the PHDEP program was defunded, public safety officers were responding to more than 8,000 calls per year, dealing quickly and effectively with thefts, drug use and sales, and other problems. Grants under the program also allowed the Housing Authority in Milwaukee to conduct crime prevention programs through the Boys and Girls Club of Greater Milwaukee and other on-site agencies, providing youths and others living in public housing with a variety of educational, job training and life skill programs.

When the PHDEP program was defunded during the fiscal year 2002 budget cycle, the Administration argued that crime-fighting measures should be funded through the Public Housing Operating Fund and promised an increase in that Fund to account for part of the loss of PHDEP funds. That allowed some programs previously funded under PHDEP to continue for a few years. But now there is a significant shortfall in the Operating Fund and HUD is proposing limits on how capital funds can be used, and housing authorities nationwide—including in Milwaukee—have been faced with tough decisions, including cutting some or all of their crime reduction programs.

It is time for Congress to step in and reauthorize these grants. Everyone deserves a safe place to live, and we should help provide housing authorities and other federally assisted low-income housing entities with the resources they need to provide that to their tenants.

But we can do more than just provide public housing authorities with grant money. The Federal Government also needs to provide more resources to help housing authorities spend those funds in the most effective way possible. That is why my legislation also contains several provisions to enhance the effectiveness of this grant program. It would: Require HUD's Office of Policy Development & Research (PD&R) to conduct a review of existing research on crime fighting measures and issue a report within six months identifying effective programs, providing an important resource to public housing authorities; require PD&R to work with housing authorities, social scientists and others to develop and implement a plan to conduct rigorous scientific evaluation of crime reduction and prevention strategies funded by the grant program that have not previously been subject to that type of evaluation, giving housing authorities yet another source of information about effective strategies for combating crime; and require HUD to report to Congress within four years, based on what it learns from existing research and evaluations of grantee programs, on the most effective ways to prevent and reduce crime in public and assisted housing environments, the ways in which it has provided related guidance to help grant applicants, and any suggestions for improving the effectiveness of the program going forward.

As with any grant program, it is essential that HUD monitor the use of the grants and that grantees be required to report regularly on their activities, as was required by HUD regulations when the program was defunded. The bill also clarifies the types of activities that can be funded through the grant program to ensure that funds are not used inappropriately.

My bill also includes a sense of the Senate provision calling on Congress to create a National Affordable Housing Trust Fund. At the outset, I want to commend my colleagues in the Senate, Senator KERRY, Senator REED, Senator SANDERS and others for all their work on advancing the cause of a National Affordable Housing Trust fund. I look forward to working with them and others in the 110th Congress to push for the creation of such a trust fund.

I agree with my colleagues that such a trust fund should have the goal of supplying 1,500,000 new affordable housing units over the next 10 years. It should also contain sufficient income targeting to reflect the housing affordability burdens faced by extremely low income and very low income families and contain enough flexibility to allow local communities to produce, preserve, and rehabilitate affordable housing units while ensuring that such affordable housing development fosters the creation of healthy and sustainable communities.

Hundreds of local housing trust funds have been created in cities and states throughout the country, including recently in the city of Milwaukee. I want to commend the community members in Milwaukee for working to address the housing affordability issues that the city faces and it is my hope that we in Congress can do our part to help Wisconsin's communities and communities around the country provide safe and affordable housing to all Americans.

This Nation faces a severe shortage of affordable housing for our most vulnerable citizens. Shelter is one of our most basic needs, and, unfortunately, too many Wisconsinites and people around the country are struggling to afford a place to live for themselves and their families. This legislation does not solve all the affordable housing issues that communities are facing, but I believe it is a good first step. This issue is about more than providing a roof over a family's head, however. Good housing and healthy communities lead to better jobs, better educational outcomes, and better futures for all Americans. Local communities, States, and the Federal Government must work together to dedicate more effective resources toward ensuring that all Americans have a safe and decent place to live. I look forward to working with my colleagues in this new Congress to advance my bill and other housing initiatives and work towards meeting the

goal of affordable housing and healthy communities for all Americans.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Affordable Housing Expansion and Public Safety Act''.

SEC. 2. INCREASE IN INCREMENTAL SECTION 8 VOUCHERS.

(a) IN GENERAL.—In fiscal year 2008 and subject to renewal, the Secretary of Housing and Urban Development shall provide an additional 100,000 incremental vouchers for tenant-based rental housing assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $8,650,000,000 for the provision and renewal of the vouchers described in subsection (a).

(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available until expended.

(3) CARRYOVER.—To the extent that any amounts appropriated for any fiscal are not expended by the Secretary of Housing and Urban Development in such fiscal year for purposes of subsection (a), any remaining amounts shall be carried forward for use by the Secretary to renew the vouchers described in subsection (a) in subsequent years.

(c) DISTRIBUTION OF AMOUNTS.—

(1) ADMINISTRATIVE COSTS.—The Secretary may not use more than $800,000,000 of the amounts authorized under paragraph (1) to cover the administrative costs associated with the provision and renewal of the vouchers described in subsection (a).

(2) VOUCHER COSTS.—The Secretary shall use all remaining amounts authorized under paragraph (1) to cover the costs of providing and renewing the vouchers described in subsection (a).

SEC. 3. TARGETED EXPANSION OF HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM.

(a) PURPOSE.—The purposes of this section are as follows:

(1) To authorize additional funding under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et. seq), commonly referred to as the Home Investments Partnership (''HOME'') program, to provide dedicated funding for the expansion and preservation of housing for extremely low-income individuals and families through eligible uses of investment as defined in paragraphs (1) and (3) of section 212(a) of the Cranston-Gonzalez National Affordable Housing Act.

(2) Such additional funding is intended to supplement the HOME funds already allocated to a participating jurisdiction to provide additional assistance in targeting resources to extremely low-income individuals and families.

(3) Such additional funding is not intended to be the only source of assistance for extremely low-income individuals and families under the HOME program, and participating jurisdictions shall continue to use non-set aside HOME funds to provide assistance to such extremely low-income individuals and families.

(b) SET ASIDE FOR EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—

(1) ELIGIBLE USE.—Section 212(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)) is amended by adding at the end the following:

''(6) EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—

''(A) IN GENERAL.—Each participating jurisdiction shall—

''(i) use funds provided under this subtitle to provide affordable housing to individuals and families whose incomes do not exceed 30 percent of median family income for that jurisdiction; and

''(ii) ensure the use of such funds does not result in the concentration of individuals and families assisted under this section into high-poverty areas.

''(B) EXCEPTION.—If a participating jurisdiction can certify to the Secretary that such participating jurisdiction has met in its jurisdiction the housing needs of extremely low-income individuals and families described in subparagraph (A), such participating jurisdiction may use any remaining funds provided under this subtitle for purposes of subparagraph (A) to provide affordable housing to individuals and families whose incomes do not exceed 50 percent of median family income for that jurisdiction.

''(C) RULE OF CONSTRUCTION.—The Secretary shall notify each participating jurisdiction receiving funds for purposes of this paragraph that use of such funds, as required under subparagraph (A), does not exempt or prevent that participating jurisdiction from using any other funds awarded under this subtitle to provide affordable housing to extremely low-income individuals and families.

''(D) RENTAL HOUSING.—Notwithstanding section 215(a), housing that is for rental shall qualify as affordable housing under this paragraph only if such housing is occupied by extremely low-income individuals or families who pay as a contribution toward rent (excluding any Federal or State rental subsidy provided on behalf of the individual or family) not more than 30 percent of the monthly adjusted income of such individual or family, as determined by the Secretary.''.

(2) PRO RATA DISTRIBUTION.—Section 217 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747) is amended by adding at the end the following:

''(e) PRO RATA DISTRIBUTION FOR EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—Notwithstanding any other provision of this Act, in any fiscal year the Secretary shall allocate any funds specifically approved in an appropriations Act to provide affordable housing to extremely low-income individuals or families under section 212(a)(6), such funds shall be allocated to each participating jurisdiction in an amount which bears the same ratio to such amount as the amount such participating jurisdiction receives for such fiscal year under this subtitle, not including any amounts allocated for any additional set-asides specified in such appropriations Act for that fiscal year.''.

(3) CERTIFICATION.—Section 226 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12756) is amended by adding at the end the following:

''(d) CERTIFICATION.—

''(1) IN GENERAL.—Each participating jurisdiction shall certify on annual basis to the Secretary that any funds used to provide affordable housing to extremely low-income individuals or families under section 212(a)(6) were actually used to assist such families.

''(2) CONTENT OF CERTIFICATION.—Each certification required under paragraph (1) shall—

''(A) state the number of extremely low-income individuals and families assisted in the previous 12 months;

''(B) separate such extremely low-income individuals and families into those individuals and families who were assisted by—

''(i) funds set aside specifically for such individuals and families under section 212(a)(6); and

''(ii) any other funds awarded under this subtitle; and

''(C) describe the type of activities, including new construction, preservation, and rehabilitation of housing, provided to such extremely low-income individuals and families that were supported by—

''(i) funds set aside specifically for such individuals and families under section 212(a)(6); and

''(ii) any other funds awarded under this subtitle.

''(3) INCLUSION WITH PERFORMANCE REPORT.—The certification required under paragraph (1) shall be included in the jurisdiction's annual performance report submitted to the Secretary under section 108(a) and made available to the public.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated under any other law or appropriations Act to carry out the provisions of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.), there are authorized to be appropriated to carry out the provisions of this section $400,000,000 for each of fiscal years 2008 through 2012.

SEC. 4. PUBLIC AND ASSISTED HOUSING CRIME AND DRUG ELIMINATION PROGRAM.

(a) TITLE CHANGE.—The chapter heading of chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended to read as follows:

''CHAPTER 2—PUBLIC AND ASSISTED HOUSING CRIME AND DRUG ELIMINATION PROGRAM''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AMOUNTS AUTHORIZED.—Section 5129(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11908(a)) is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter $200,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.''.

(2) SET ASIDE FOR THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH.—Section 5129 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11908) is amended by adding at the end the following:

''(d) SET ASIDE FOR THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH.—Of any amounts made available in any fiscal year to carry out this chapter not less than 2 percent shall be available to the Office of Policy Development and Research to carry out the functions required under section 5130.''.

(c) ELIGIBLE ACTIVITIES.—Section 5124(a)(6) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)(6)) is amended by striking the semicolon and inserting the following: '', except that the activities conducted under any such program and paid for, in whole or in part, with grant funds awarded under this chapter may only include—

''(A) providing access to treatment for drug abuse through rehabilitation or relapse prevention;

''(B) providing education about the dangers and adverse consequences of drug use or violent crime;

''(C) assisting drug users in discontinuing their drug use through an education program, and, if appropriate, referring such users to a drug treatment program;

''(D) providing after school activities for youths for the purpose of discouraging, reducing, or eliminating drug use or violent crime by youths;

''(E) providing capital improvements for the purpose of discouraging, reducing, or eliminating drug use or violent crime; and

''(F) providing security services for the purpose of discouraging, reducing, or eliminating drug use or violent crime.''.

(d) EFFECTIVENESS.—

(1) APPLICATION PLAN.—Section 5125(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904(a)) is amended by adding at the end the following: ''To the maximum extent feasible, each plan submitted under this section shall be developed in coordination with relevant local law enforcement agencies and other local entities involved in crime prevention and reduction. Such plan also shall include an agreement to work cooperatively with the Office of Policy Development and Research in its efforts to carry out the functions required under section 5130.''

(2) HUD REPORT.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by adding at the end the following:

''(d) EFFECTIVENESS REPORT.—The Secretary shall submit a report to the Congress not later than 4 years after the date of the enactment of the Affordable Housing Expansion and Public Safety Act that includes—

''(1) aggregate data regarding the categories of program activities that have been funded by grants under this chapter;

''(2) promising strategies related to preventing and reducing violent and drug-related crime in public and federally assisted low-income housing derived from—

''(A) a review of existing research; and

''(B) evaluations of programs funded by grants under this chapter that were conducted by the Office of Policy Development and Review or by the grantees themselves;

''(3) how the information gathered in paragraph (2) has been incorporated into—

''(A) the guidance provided to applicants under this chapter; and

''(B) the implementing regulations under this chapter; and

''(4) any statutory changes that the Secretary would recommend to help make grants awarded under this chapter more effective.''.

(3) OFFICE OF POLICY DEVELOPMENT AND RESEARCH REVIEW AND PLAN.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by adding at the end the following:

''SEC. 5130. OFFICE OF POLICY DEVELOPMENT AND RESEARCH REVIEW AND PLAN.

''(a) REVIEW.—

''(1) IN GENERAL.—The Office of Policy Development and Research established pursuant to section 501 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1) shall conduct a review of existing research relating to preventing and reducing violent and drug-related crime to assess, using scientifically rigorous and acceptable methods, which strategies—

''(A) have been found to be effective in preventing and reducing violent and drug-related crimes; and

''(B) would be likely to be effective in preventing and reducing violent and drug-related crimes in public and federally assisted low-income housing environments.

''(2) REPORT.—Not later than 180 days after the date of enactment of the Affordable Housing Expansion and Public Safety Act, the Secretary shall issue a written report with the results of the review required under paragraph (1).

''(b) EVALUATION PLAN.—

''(1) IN GENERAL.—Upon completion of the review required under subsection (a)(1), the Office of Policy Development and Research, in consultation with housing authorities, social scientists, and other interested parties, shall develop and implement a plan for evaluating the effectiveness of strategies funded under this chapter, including new and innovative strategies and existing strategies, that have not previously been subject to rigorous evaluation methodologies.

''(2) METHODOLOGY.—The plan described in paragraph (1) shall require such evaluations to use rigorous methodologies, particularly random assignment (where practicable), that are capable of producing scientifically valid knowledge regarding which program activities are effective in preventing and reducing violent and drug-related crime in public and other federally assisted low-income housing.''.

SEC. 5. SENSE OF THE SENATE REGARDING THE CREATION OF A NATIONAL AFFORDABLE HOUSING TRUST FUND.

(a) FINDINGS.—Congress finds the following:

(1) Only 1 in 4 eligible households receives Federal rental assistance.

(2) The number of families facing severe housing cost burdens grew by almost 2,000,0000 households between 2001 and 2004.

(3) 1 in 3 families spend more than 30 percent of their earnings on housing costs.

(4) More than 75 percent of renter households with severe housing affordability burdens are extremely low-income families.

(5) More than half of extremely low-income households pay at least half of their income on housing.

(6) At least 500,000 Americans are homeless every day.

(7) 2,000,000 to 3,000,0000 Americans are homeless for various lengths of time each year.

(8) It is estimated that the development of an average housing unit creates on average more than 3 jobs and the development of an average multifamily unit creates on average more than 1 job.

(9) It is estimated that over $80,000 is produced in government revenue for an average single family unit built and over $30,000 is produced in government revenue for an average multifamily unit built.

(10) The Bipartisan Millennial Housing Commission stated that ''the most serious housing problem in America is the mismatch between the number of extremely low income renter households and the number of units available to them with acceptable quality and affordable rents.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress shall create a national affordable housing trust fund with the purpose of supplying 1,500,000 additional affordable housing units over the next 10 years;

(2) such a trust fund shall contain sufficient income targeting to reflect the housing affordability burdens faced by extremely low-income and very low-income families; and

(3) such a trust fund shall contain enough flexibility to allow local communities to produce, preserve, and rehabilitate affordable housing units while ensuring that such affordable housing development fosters the creation of healthy and sustainable communities.

SEC. 6. OFFSETS.

(a) REPEAL OF MULTIYEAR PROCUREMENT AUTHORITY FOR F–22A RAPTOR FIGHTER AIRCRAFT.—Effective as of October 17, 2006, section 134 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), relating to multiyear procurement authority for F–22A Raptor fighter aircraft, is repealed.

(b) ADVANCED RESEARCH FOR FOSSIL FUELS.—Notwithstanding any other provision of law, the Secretary of Energy shall not carry out any program that conducts, or provides assistance for, applied research for fossil fuels.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 429. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise today to introduce a bill to reauthorize the Native Hawaiian Health Care Improvement Act. Senator AKAKA joins me in sponsoring this measure.

The Native Hawaiian Health Care Improvement Act was enacted into law in 1988, and has been reauthorized several times throughout the years.

The Act provides authority for a range of programs and services designed to improve the health care status of the native people of Hawaii.

With the enactment of the Native Hawaiian Health Care Improvement Act and the establishment of Native Hawaiian health care systems on most of the islands that make up the State of Hawaii, we have witnessed significant improvements in the health status of Native Hawaiians, but as the findings of unmet needs and health disparities set forth in this bill make clear, we still have a long way to go.

For instance, Native Hawaiians have the highest cancer mortality rates in the State of Hawaii—rates that are 22 percent higher than the rate for the total State male population and 64 percent higher than the rate for the total State female population. Nationally, Native Hawaiians have the third highest mortality rate as a result of breast cancer.

With respect to diabetes, in 2004 Native Hawaiians had the highest mortality rate associated with diabetes in the State—a rate which is 119 percent higher than the statewide rate for all racial groups.

When it comes to heart disease, the mortality rate of Native Hawaiians associated with heart disease is 86 percent higher than the rate for the entire State, and the mortality rate for hypertension is 46 percent higher than that for the entire State.

These statistics on the health status of Native Hawaiians are but a small part of the long list of data that makes clear that our objective of assuring that the Native people of Hawaii attain some parity of good health comparable to that of the larger U.S. population has not yet been achieved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native Hawaiian Health Care Improvement Reauthorization Act of 2007''.

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

''(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

''SEC. 2. FINDINGS.

''(a) IN GENERAL.—Congress finds that—

''(1) Native Hawaiians begin their story with the Kumulipo, which details the creation and interrelationship of all things, including the evolvement of Native Hawaiians as healthy and well people;

''(2) Native Hawaiians—

''(A) are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moananui, the Pacific Ocean; and

''(B) have a distinct society that was first organized almost 2,000 years ago;

''(3) the health and well-being of Native Hawaiians are intrinsically tied to the deep feelings and attachment of Native Hawaiians to their lands and seas;

''(4) the long-range economic and social changes in Hawai'i over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians;

''(5) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum;

''(6) the Native Hawaiian people are determined to preserve, develop, and transmit to future generations, in accordance with their own spiritual and traditional beliefs, their customs, practices, language, social institutions, ancestral territory, and cultural identity;

''(7) in referring to themselves, Native Hawaiians use the term 'Kanaka Maoli', a term frequently used in the 19th century to describe the native people of Hawai'i;

''(8) the constitution and statutes of the State of Hawai'i—

''(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

''(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language;

''(9) at the time of the arrival of the first nonindigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion;

''(10) a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai'i;

''(11) throughout the 19th century until 1893, the United States—

''(A) recognized the independence of the Hawaiian Nation;

''(B) extended full and complete diplomatic recognition to the Hawaiian Government; and

''(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

''(12) in 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawai'i, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawai'i;

''(13) in pursuance of that conspiracy—

''(A) the United States Minister and the naval representative of the United States caused armed forces of the United States Navy to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawai'i; and

''(B) after that overthrow, the United States Minister extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawai'i or the lawful Government of Hawai'i, in violation of—

''(i) treaties between the Government of Hawai'i and the United States; and

''(ii) international law;

''(14) in a message to Congress on December 18, 1893, President Grover Cleveland—

''(A) reported fully and accurately on those illegal actions;

''(B) acknowledged that by those acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown; and

''(C) concluded that a 'substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people required that we should endeavor to repair';

''(15) Queen Lili'uokalani, the lawful monarch of Hawai'i, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawai'i, promptly petitioned the United States for redress of those wrongs and restoration of the indigenous government of the Hawaiian nation, but no action was taken on that petition;

''(16) in 1993, Congress enacted Public Law 103–150 (107 Stat. 1510), in which Congress—

''(A) acknowledged the significance of those events; and

''(B) apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawai'i with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination;

''(17) between 1897 and 1898, when the total Native Hawaiian population in Hawai'i was less than 40,000, more than 38,000 Native Hawaiians signed petitions (commonly known as 'Ku'e Petitions') protesting annexation by the United States and requesting restoration of the monarchy;

''(18) despite Native Hawaiian protests, in 1898, the United States—

''(A) annexed Hawai'i through Resolution No. 55 (commonly known as the 'Newlands Resolution') (30 Stat. 750), without the consent of, or compensation to, the indigenous people of Hawai'i or the sovereign government of those people; and

''(B) denied those people the mechanism for expression of their inherent sovereignty through self-government and self-determination of their lands and ocean resources;

''(19) through the Newlands Resolution and the Act of April 30, 1900 (commonly known as the '1900 Organic Act') (31 Stat. 141, chapter 339), the United States—

''(A) received 1,750,000 acres of land formerly owned by the Crown and Government of the Hawaiian Kingdom; and

''(B) exempted the land from then-existing public land laws of the United States by mandating that the revenue and proceeds from that land be 'used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes', thereby establishing a special trust relationship between the United States and the inhabitants of Hawai'i;

''(20) in 1921, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), which—

''(A) designated 200,000 acres of the ceded public land for exclusive homesteading by Native Hawaiians; and

''(B) affirmed the trust relationship between the United States and Native Hawaiians, as expressed by Secretary of the Interior Franklin K. Lane, who was cited in the Committee Report of the Committee on Territories of the House of Representatives as stating, 'One thing that impressed me . . . was the fact that the natives of the islands . . . for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.';

''(21) in 1938, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781), a provision—

''(A) to lease land within the extension to Native Hawaiians; and

''(B) to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance';

''(22) under the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 4), the United States—

''(A) transferred responsibility for the administration of the Hawaiian home lands to the State; but

''(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under that Act;

''(23) under the Act referred to in paragraph (22), the United States—

''(A) transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State; but

''(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of that Act (73 Stat. 6);

''(24) in 1978, the people of Hawai'i—

''(A) amended the constitution of Hawai'i to establish the Office of Hawaiian Affairs; and

''(B) assigned to that Office the authority—

''(i) to accept and hold in trust for the Native Hawaiian people real and personal property transferred from any source;

''(ii) to receive payments from the State owed to the Native Hawaiian people in satisfaction of the pro rata share of the proceeds of the public land trust established by section 5(f) of the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 6);

''(iii) to act as the lead State agency for matters affecting the Native Hawaiian people; and

''(iv) to formulate policy on affairs relating to the Native Hawaiian people;

''(25) the authority of Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous people of the United States includes the authority to legislate in matters affecting the native people of Alaska and Hawai'i;

''(26) the United States has recognized the authority of the Native Hawaiian people to continue to work toward an appropriate form of sovereignty, as defined by the Native Hawaiian people in provisions set forth in legislation returning the Hawaiian Island of Kahoʻolawe to custodial management by the State in 1994;

''(27) in furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people;

''(28) that program is conducted by the Native Hawaiian Health Care Systems and Papa Ola Lokahi;

''(29) health initiatives implemented by those and other health institutions and agencies using Federal assistance have been responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by—

''(A) providing comprehensive disease prevention;

''(B) providing health promotion activities; and

''(C) increasing the number of Native Hawaiians in the health and allied health professions;

''(30) those accomplishments have been achieved through implementation of—

''(A) the Native Hawaiian Health Care Act of 1988 (Public Law 100–579); and

''(B) the reauthorization of that Act under section 9168 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1948);

''(31) the historical and unique legal relationship between the United States and Native Hawaiians has been consistently recognized and affirmed by Congress through the enactment of more than 160 Federal laws that extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including—

''(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

''(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

''(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.); and

''(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

''(32) the United States has recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation that authorizes the provision of services to Native Hawaiians, specifically—

''(A) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

''(B) the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (42 U.S.C. 6000 et seq.);

''(C) the Veterans' Benefits and Services Act of 1988 (Public Law 100–322);

''(D) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

''(E) the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11701 et seq.);

''(F) the Health Professions Reauthorization Act of 1988 (Public Law 100–607; 102 Stat. 3122);

''(G) the Nursing Shortage Reduction and Education Extension Act of 1988 (Public Law 100–607; 102 Stat. 3153);

''(H) the Handicapped Programs Technical Amendments Act of 1988 (Public Law 100–630);

''(I) the Indian Health Care Amendments of 1988 (Public Law 100–713); and

''(J) the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101–527);

''(33) the United States has affirmed that historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (21 U.S.C. 801 note; Public Law 99–570);

''(34) in addition, the United States—

''(A) has recognized that Native Hawaiians, as aboriginal, indigenous, native people of Hawai'i, are a unique population group in Hawai'i and in the continental United States; and

''(B) has so declared in—

''(i) the documents of the Office of Management and Budget entitled—

''(I) 'Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity' and dated October 30, 1997; and

''(II) 'Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity' and dated December 15, 2000;

''(ii) the document entitled 'Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement' (Bulletin 00-02 to the Heads of Executive Departments and Establishments) and dated March 9, 2000;

''(iii) the document entitled 'Questions and Answers when Designing Surveys for Information Collections' (Memorandum for the President's Management Council) and dated January 20, 2006;

''(iv) Executive order number 13125 (64 Fed. Reg. 31105; relating to increasing participation of Asian Americans and Pacific Islanders in Federal programs) (June 7, 1999);

''(v) the document entitled 'HHS Tribal Consultation Policy' and dated January 2005; and

''(vi) the Department of Health and Human Services Intradepartment Council on Native American Affairs, Revised Charter, dated March 7, 2005; and

''(35) despite the United States having expressed in Public Law 103–150 (107 Stat. 1510) its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances—

''(A) the unmet health needs of the Native Hawaiian people remain severe; and

''(B) the health status of the Native Hawaiian people continues to be far below that of the general population of the United States.

''(b) FINDING OF UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

''(1) CHRONIC DISEASE AND ILLNESS.—

''(A) CANCER.—

''(i) IN GENERAL.—With respect to all cancer—

''(I) as an underlying cause of death in the State, the cancer mortality rate of Native Hawaiians of 218.3 per 100,000 residents is 50 percent higher than the rate for the total population of the State of 145.4 per 100,000 residents;

''(II) Native Hawaiian males have the highest cancer mortality rates in the State for cancers of the lung, colon, and rectum, and for all cancers combined;

''(III) Native Hawaiian females have the highest cancer mortality rates in the State for cancers of the lung, breast, colon, rectum, pancreas, stomach, ovary, liver, cervix, kidney, and uterus, and for all cancers combined; and

''(IV) for the period of 1995 through 2000—

''(aa) the cancer mortality rate for all cancers for Native Hawaiian males of 217 per 100,000 residents was 22 percent higher than the rate for all males in the State of 179 per 100,000 residents; and

''(bb) the cancer mortality rate for all cancers for Native Hawaiian females of 192 per 100,000 residents was 64 percent higher than the rate for all females in the State of 117 per 100,000 residents.

''(ii) BREAST CANCER.—With respect to breast cancer—

''(I) Native Hawaiians have the highest mortality rate in the State from breast cancer (30.79 per 100,000 residents), which is 33 percent higher than the rate for Caucasian Americans (23.07 per 100,000 residents) and 106 percent higher than the rate for Chinese Americans (14.96 per 100,000 residents); and

''(II) nationally, Native Hawaiians have the third-highest mortality rate as a result of breast cancer (25.0 per 100,000 residents), behind African Americans (31.4 per 100,000 residents) and Caucasian Americans (27.0 per 100,000 residents).

''(iii) CANCER OF THE CERVIX.—Native Hawaiians have the highest mortality rate as a result of cancer of the cervix in the State (3.65 per 100,000 residents), followed by Filipino Americans (2.69 per 100,000 residents) and Caucasian Americans (2.61 per 100,000 residents).

''(iv) LUNG CANCER.—Native Hawaiian males and females have the highest mortality rates as a result of lung cancer in the State, at 74.79 per 100,000 for males and 47.84 per 100,000 females, which are higher than the rates for the total population of the State by 48 percent for males and 93 percent for females.

''(v) PROSTATE CANCER.—Native Hawaiian males have the third-highest mortality rate as a result of prostate cancer in the State (21.48 per 100,000 residents), with Caucasian Americans having the highest mortality rate as a result of prostate cancer (23.96 per 100,000 residents).

''(B) DIABETES.—With respect to diabetes, in 2004—

''(i) Native Hawaiians had the highest mortality rate as a result of diabetes mellitis (28.9 per 100,000 residents) in the State, which is 119 percent higher than the rate for all racial groups in the State (13.2 per 100,000 residents);

''(ii) the prevalence of diabetes for Native Hawaiians was 12.7 percent, which is 87 percent higher than the total prevalence for all residents of the State of 6.8 percent; and

''(iii) a higher percentage of Native Hawaiians with diabetes experienced diabetic retinopathy, as compared to other population groups in the State.

''(C) ASTHMA.—With respect to asthma and lower respiratory disease—

''(i) in 2004, mortality rates for Native Hawaiians (31.6 per 100,000 residents) from chronic lower respiratory disease were 52 percent higher than rates for the total population of the State (20.8 per 100,000 residents); and

''(ii) in 2005, the prevalence of current asthma in Native Hawaiian adults was 12.8 percent, which is 71 percent higher than the prevalence of the total population of the State of 7.5 percent.

''(D) CIRCULATORY DISEASES.—

''(i) HEART DISEASE.—With respect to heart disease—

''(I) in 2004, the mortality rate for Native Hawaiians as a result of heart disease (305.5 per 100,000 residents) was 86 percent higher than the rate for the total population of the State (164.3 per 100,000 residents); and

''(II) in 2005, the prevalence for heart attack was 4.4 percent for Native Hawaiians, which is 22 percent higher than the prevalence for the total population of 3.6 percent.

''(ii) CEREBROVASCULAR DISEASES.—With respect to cerebrovascular diseases—

''(I) the mortality rate from cerebrovascular diseases for Native Hawaiians (75.6 percent) was 64 percent higher than the rate

for the total population of the State (46 percent); and

''(II) in 2005, the prevalence for stroke was 4.9 percent for Native Hawaiians, which is 69 percent higher than the prevalence for the total population of the State (2.9 percent).

''(iii) OTHER CIRCULATORY DISEASES.—With respect to other circulatory diseases (including high blood pressure and atherosclerosis)—

''(I) in 2004, the mortality rate for Native Hawaiians of 20.6 per 100,000 residents was 46 percent higher than the rate for the total population of the State of 14.1 per 100,000 residents; and

''(II) in 2005, the prevalence of high blood pressure for Native Hawaiians was 26.7 percent, which is 10 percent higher than the prevalence for the total population of the State of 24.2 percent.

''(2) INFECTIOUS DISEASE AND ILLNESS.—With respect to infectious disease and illness—

''(A) in 1998, Native Hawaiians comprised 20 percent of all deaths resulting from infectious diseases in the State for all ages; and

''(B) the incidence of acquired immune deficiency syndrome for Native Hawaiians is at least twice as high per 100,000 residents (10.5 percent) than the incidence for any other non-Caucasian group in the State.

''(3) INJURIES.—With respect to injuries—

''(A) the mortality rate for Native Hawaiians as a result of injuries (32 per 100,000 residents) is 16 percent higher than the rate for the total population of the State (27.5 per 100,000 residents);

''(B) 32 percent of all deaths of individuals between the ages of 18 and 24 years resulting from injuries were Native Hawaiian; and

''(C) the 2 primary causes of Native Hawaiian deaths in that age group were motor vehicle accidents (30 percent) and intentional self-harm (39 percent).

''(4) DENTAL HEALTH.—With respect to dental health—

''(A) Native Hawaiian children experience significantly higher rates of dental caries and unmet treatment needs as compared to other children in the continental United States and other ethnic groups in the State;

''(B) the prevalence rate of dental caries in the primary (baby) teeth of Native Hawaiian children aged 5 to 9 years of 4.2 per child is more than twice the national average rate of 1.9 per child in that age range;

''(C) 81.9 percent of Native Hawaiian children aged 6 to 8 have 1 or more decayed teeth, as compared to—

''(i) 53 percent for children in that age range in the continental United States; and

''(ii) 72.7 percent of other children in that age range in the State; and

''(D) 21 percent of Native Hawaiian children aged 5 demonstrate signs of baby bottle tooth decay, which is generally characterized as severe, progressive dental disease in early childhood and associated with high rates of dental disorders, as compared to 5 percent for children of that age in the continental United States.

''(5) LIFE EXPECTANCY.—With respect to life expectancy—

''(A) Native Hawaiians have the lowest life expectancy of all population groups in the State;

''(B) between 1910 and 1980, the life expectancy of Native Hawaiians from birth has ranged from 5 to 10 years less than that of the overall State population average;

''(C) the most recent tables for 1990 show Native Hawaiian life expectancy at birth (74.27 years) to be approximately 5 years less than that of the total State population (78.85 years); and

''(D) except as provided in the life expectancy calculation for 1920, Native Hawaiians have had the shortest life expectancy of all major ethnic groups in the United States since 1910.

''(6) MATERNAL AND CHILD HEALTH.—

''(A) IN GENERAL.—With respect to maternal and child health, in 2000—

''(i) 39 percent of all deaths of children under the age of 18 years in the State were Native Hawaiian;

''(ii) perinatal conditions accounted for 38 percent of all Native Hawaiian deaths in that age group;

''(iii) Native Hawaiian infant mortality rates (9.8 per 1,000 live births) are—

''(I) the highest in the State; and

''(II) 151 percent higher than the rate for Caucasian infants (3.9 per 1,000 live births); and

''(iv) Native Hawaiians have 1 of the highest infant mortality rates in the United States, second only to the rate for African Americans of 13.6 per 1,000 live births.

''(B) PRENATAL CARE.—With respect to prenatal care—

''(i) as of 2005, Native Hawaiian women have the highest prevalence (20.9 percent) of having had no prenatal care during the first trimester of pregnancy, as compared to the 5 largest ethnic groups in the State;

''(ii) of the mothers in the State who received no prenatal care in the first trimester, 33 percent were Native Hawaiian;

''(iii) in 2005, 41 percent of mothers with live births who had not completed high school were Native Hawaiian; and

''(iv) in every region of the State, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.

''(C) BIRTHS.—With respect to births, in 2005—

''(i) 45.2 percent of live births to Native Hawaiian mothers were nonmarital, putting the affected infants at higher risk of low birth weight and infant mortality;

''(ii) of the 2,934 live births to Native Hawaiian single mothers, 9 percent were low birth weight (defined as a weight of less than 2,500 grams); and

''(iii) 43.7 percent of all low birth-weight infants born to single mothers in the State were Native Hawaiian.

''(D) TEEN PREGNANCIES.—With respect to births, in 2005—

''(i) Native Hawaiians had the highest rate of births to mothers under the age of 18 years (5.8 percent), as compared to the rate of 2.7 percent for the total population of the State; and

''(ii) nearly 62 percent of all mothers in the State under the age of 19 years were Native Hawaiian.

''(E) FETAL MORTALITY.—With respect to fetal mortality, in 2005—

''(i) Native Hawaiians had the highest number of fetal deaths in the State, as compared to Caucasian, Japanese, and Filipino residents; and

''(ii)(I) 17.2 percent of all fetal deaths in the State were associated with expectant Native Hawaiian mothers; and

''(II) 43.5 percent of those Native Hawaiian mothers were under the age of 25 years.

''(7) BEHAVIORAL HEALTH.—

''(A) ALCOHOL AND DRUG ABUSE.—With respect to alcohol and drug abuse—

''(i)(I) in 2005, Native Hawaiians had the highest prevalence of smoking of 27.9 percent, which is 64 percent higher than the rate for the total population of the State (17 percent); and

''(II) 53 percent of Native Hawaiians reported having smoked at least 100 cigarettes in their lifetime, as compared to 43.3 percent for the total population of the State;

''(ii) 33 percent of Native Hawaiians in grade 8 have smoked cigarettes at least once in their lifetime, as compared to—

''(I) 22.5 percent for all youth in the State; and

''(II) 28.4 percent of residents of the United States in grade 8;

''(iii) Native Hawaiians have the highest prevalence of binge drinking of 19.9 percent, which is 21 percent higher than the prevalence for the total population of the State (16.5 percent);

''(iv) the prevalence of heavy drinking among Native Hawaiians (10.1 percent) is 36 percent higher than the prevalence for the total population of the State (7.4 percent);

''(v)(I) in 2003, 17.2 percent of Native Hawaiians in grade 6, 45.1 percent of Naive Hawaiians in grade 8, 68.9 percent of Native Hawaiians in grade 10, and 78.1 percent of Native Hawaiians in grade 12 reported using alcohol at least once in their lifetime, as compared to 13.2, 36.8, 59.1, and 72.5 percent, respectively, of all adolescents in the State; and

''(II) 62.1 percent Native Hawaiians in grade 12 reported being drunk at least once, which is 20 percent higher than the percentage for all adolescents in the State (51.6 percent);

''(vi) on entering grade 12, 60 percent of Native Hawaiian adolescents reported having used illicit drugs, including inhalants, at least once in their lifetime, as compared to—

''(I) 46.9 percent of all adolescents in the State; and

''(II) 52.8 of adolescents in the United States;

''(vii) on entering grade 12, 58.2 percent of Native Hawaiian adolescents reported having used marijuana at least once, which is 31 percent higher than the rate of other adolescents in the State (44.4 percent);

''(viii) in 2006, Native Hawaiians represented 40 percent of the total admissions to substance abuse treatment programs funded by the State Department of Health; and

''(ix) in 2003, Native Hawaiian adolescents reported the highest prevalence for methamphetamine use in the State, followed by Caucasian and Filipino adolescents.

''(B) CRIME.—With respect to crime—

''(i) during the period of 1992 to 2002, Native Hawaiian arrests for violent crimes decreased, but the rate of arrest remained 38.3 percent higher than the rate of the total population of the State;

''(ii) the robbery arrest rate in 2002 among Native Hawaiian juveniles and adults was 59 percent higher (6.2 arrests per 100,000 residents) than the rate for the total population of the State (3.9 arrests per 100,000 residents);

''(iii) in 2002—

''(I) Native Hawaiian men comprised between 35 percent and 43 percent of each security class in the State prison system;

''(II) Native Hawaiian women comprised between 38.1 percent to 50.3 percent of each class of female prison inmates in the State;

''(III) Native Hawaiians comprised 39.5 percent of the total incarcerated population of the State; and

''(IV) Native Hawaiians comprised 40 percent of the total sentenced felon population in the State, as compared to 25 percent for Caucasians, 12 percent for Filipinos, and 5 percent for Samoans;

''(iv) Native Hawaiians are overrepresented in the State prison population;

''(v) of the 2,260 incarcerated Native Hawaiians, 70 percent are between 20 and 40 years of age; and

''(vi) based on anecdotal information, Native Hawaiians are estimated to comprise between 60 percent and 70 percent of all jail and prison inmates in the State.

''(C) DEPRESSION AND SUICIDE.—With respect to depression and suicide—

''(i)(I) in 1999, the prevalence of depression among Native Hawaiians was 15 percent, as

compared to the national average of approximately 10 percent; and

''(II) Native Hawaiian females had a higher prevalence of depression (16.9 percent) than Native Hawaiian males (11.9 percent);

''(ii) in 2000—

''(I) Native Hawaiian adolescents had a significantly higher suicide attempt rate (12.9 percent) than the rate for other adolescents in the State (9.6 percent); and

''(II) 39 percent of all Native Hawaiian adult deaths were due to suicide; and

''(iii) in 2006, the prevalence of obsessive compulsive disorder among Native Hawaiian adolescent girls was 17.7 percent, as compared to a rate of—

''(I) 9.2 percent for Native Hawaiian boys and non-Hawaiian girls; and

''(II) a national rate of 2 percent.

''(8) OVERWEIGHTNESS AND OBESITY.—With respect to overweightness and obesity—

''(A) during the period of 2000 through 2003, Native Hawaiian males and females had the highest age-adjusted prevalence rates for obesity (40.5 and 32.5 percent, respectively), which was—

''(i) with respect to individuals of full Native Hawaiian ancestry, 145 percent higher than the rate for the total population of the State (16.5 per 100,000); and

''(ii) with respect to individuals with less than 100 percent Native Hawaiian ancestry, 97 percent higher than the total population of the State; and

''(B) for 2005, the prevalence of obesity among Native Hawaiians was 43.1 percent, which was 119 percent higher than the prevalence for the total population of the State (19.7 percent).

''(9) FAMILY AND CHILD HEALTH.—With respect to family and child health—

''(A) in 2000, the prevalence of single-parent families with minor children was highest among Native Hawaiian households, as compared to all households in the State (15.8 percent and 8.1 percent, respectively);

''(B) in 2002, nonmarital births accounted for 56.8 percent of all live births among Native Hawaiians, as compared to 34 percent of all live births in the State;

''(C) the rate of confirmed child abuse and neglect among Native Hawaiians has consistently been 3 to 4 times the rates of other major ethnic groups, with a 3-year average of 63.9 cases in 2002, as compared to 12.8 cases for the total population of the State;

''(D) spousal abuse or abuse of an intimate partner was highest for Native Hawaiians, as compared to all cases of abuse in the State (4.5 percent and 2.2 percent, respectively); and

''(E)(i) ½ of uninsured adults in the State have family incomes below 200 percent of the Federal poverty level; and

''(ii) Native Hawaiians residing in the State and the continental United States have a higher rate of uninsurance than other ethnic groups in the State and continental United States (14.5 percent and 9.5 percent, respectively).

''(10) HEALTH PROFESSIONS EDUCATION AND TRAINING.—With respect to health professions education and training—

''(A) in 2003, adult Native Hawaiians had a higher rate of high school completion, as compared to the total adult population of the State (49.4 percent and 34.4 percent, respectively);

''(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State; and

''(C) in 2004, Native Hawaiians comprised—

''(i) 11.25 percent of individuals who earned bachelor's degrees;

''(ii) 6 percent of individuals who earned master's degrees;

''(iii) 3 percent of individuals who earned doctorate degrees;

''(iv) 7.9 percent of the credited student body at the University of Hawai'i;

''(v) 0.4 percent of the instructional faculty at the University of Hawai'i at Manoa; and

''(vi) 8.4 percent of the instructional faculty at the University of Hawai'i Community Colleges.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) DEPARTMENT.—The term 'Department' means the Department of Health and Human Services.

''(2) DISEASE PREVENTION.—The term 'disease prevention' includes—

''(A) immunizations;

''(B) control of high blood pressure;

''(C) control of sexually transmittable diseases;

''(D) prevention and control of chronic diseases;

''(E) control of toxic agents;

''(F) occupational safety and health;

''(G) injury prevention;

''(H) fluoridation of water;

''(I) control of infectious agents; and

''(J) provision of mental health care.

''(3) HEALTH PROMOTION.—The term 'health promotion' includes—

''(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;

''(B) cessation of tobacco smoking;

''(C) reduction in the misuse of alcohol and harmful illicit drugs;

''(D) improvement of nutrition;

''(E) improvement in physical fitness;

''(F) family planning;

''(G) control of stress;

''(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and

''(I) integration of cultural approaches to health and well-being (including traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), and ocean (kai)).

''(4) HEALTH SERVICE.—The term 'health service' means—

''(A) service provided by a physician, physician's assistant, nurse practitioner, nurse, dentist, or other health professional;

''(B) a diagnostic laboratory or radiologic service;

''(C) a preventive health service (including a perinatal service, well child service, family planning service, nutrition service, home health service, sports medicine and athletic training service, and, generally, any service associated with enhanced health and wellness);

''(D) emergency medical service, including a service provided by a first responder, emergency medical technician, or mobile intensive care technician;

''(E) a transportation service required for adequate patient care;

''(F) a preventive dental service;

''(G) a pharmaceutical and medicament service;

''(H) a mental health service, including a service provided by a psychologist or social worker;

''(I) a genetic counseling service;

''(J) a health administration service, including a service provided by a health program administrator;

''(K) a health research service, including a service provided by an individual with an advanced degree in medicine, nursing, psychology, social work, or any other related health program;

''(L) an environmental health service, including a service provided by an epidemiologist, public health official, medical geographer, or medical anthropologist, or an individual specializing in biological, chemical, or environmental health determinants;

''(M) a primary care service that may lead to specialty or tertiary care; and

''(N) a complementary healing practice, including a practice performed by a traditional Native Hawaiian healer.

''(5) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State), as evidenced by—

''(A) genealogical records;

''(B) kama'aina witness verification from Native Hawaiian Kupuna (elders); or

''(C) birth records of the State or any other State or territory of the United States.

''(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means any of up to 8 entities in the State that—

''(A) is organized under the laws of the State;

''(B) provides or arranges for the provision of health services for Native Hawaiians in the State;

''(C) is a public or nonprofit private entity;

''(D) has Native Hawaiians significantly participating in the planning, management, provision, monitoring, and evaluation of health services;

''(E) addresses the health care needs of an island's Native Hawaiian population; and

''(F) is recognized by Papa Ola Lokahi—

''(i) for the purpose of planning, conducting, or administering programs, or portions of programs, authorized by this Act for the benefit of Native Hawaiians; and

''(ii) as having the qualifications and the capacity to provide the services and meet the requirements under—

''(I) the contract that each Native Hawaiian health care system enters into with the Secretary under this Act; or

''(II) the grant each Native Hawaiian health care system receives from the Secretary under this Act.

''(7) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian Health Center' means any organization that is a primary health care provider that—

''(A) has a governing board composed of individuals, at least 50 percent of whom are Native Hawaiians;

''(B) has demonstrated cultural competency in a predominantly Native Hawaiian community;

''(C) serves a patient population that—

''(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; or

''(ii) has not less than 2,500 Native Hawaiians as annual users of services; and

''(D) is recognized by Papa Ola Lokahi as having met each of the criteria described in subparagraphs (A) through (C).

''(8) NATIVE HAWAIIAN HEALTH TASK FORCE.—The term 'Native Hawaiian Health Task Force' means a task force established by the State Council of Hawaiian Homestead Associations to implement health and wellness strategies in Native Hawaiian communities.

''(9) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization that—

''(A) serves the interests of Native Hawaiians; and

''(B)(i) is recognized by Papa Ola Lokahi for planning, conducting, or administering programs authorized under this Act for the benefit of Native Hawaiians; and

''(ii) is a public or nonprofit private entity.

''(10) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the governmental entity that—

''(A) is established under article XII, sections 5 and 6, of the Hawai'i State Constitution; and

''(B) charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.

''(11) PAPA OLA LOKAHI.—

''(A) IN GENERAL.—The term 'Papa Ola Lokahi' means an organization that—

''(i) is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians; and

''(ii) governed by a board the members of which may include representation from—

''(I) E Ola Mau;

''(II) the Office of Hawaiian Affairs;

''(III) Alu Like, Inc.;

''(IV) the University of Hawaii;

''(V) the Hawai'i State Department of Health;

''(VI) the Native Hawaiian Health Task Force;

''(VII) the Hawai'i State Primary Care Association;

''(VIII) Ahahui O Na Kauka, the Native Hawaiian Physicians Association;

''(IX) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i or Ni'ihau (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

''(X) Ke Ola Mamo, or a health care system serving the island of O'ahu (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

''(XI) Na Pu'uwai or a health care system serving the islands of Moloka'i or Lana'i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

''(XII) Hui No Ke Ola Pono, or a health care system serving the island of Maui (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

''(XIII) Hui Malama Ola Na 'Oiwi, or a health care system serving the island of Hawai'i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

''(XIV) such other Native Hawaiian health care systems as are certified and recognized by Papa Ola Lokahi in accordance with this Act; and

''(XV) such other member organizations as the Board of Papa Ola Lokahi shall admit from time to time, based on satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.

''(B) EXCLUSION.—The term 'Papa Ola Lokahi' does not include any organization described in subparagraph (A) for which the Secretary has made a determination that the organization has not developed a mission statement that includes—

''(i) clearly-defined goals and objectives for the contributions the organization will make to—

''(I) Native Hawaiian health care systems; and

''(II) the national policy described in section 4; and

''(ii) an action plan for carrying out those goals and objectives.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(13) STATE.—The term 'State' means the State of Hawaii.

''(14) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

''(A) who—

''(i) is of Native Hawaiian ancestry; and

''(ii) has the knowledge, skills, and experience in direct personal health care of individuals; and

''(B) the knowledge, skills, and experience of whom are based on demonstrated learning of Native Hawaiian healing practices acquired by—

''(i) direct practical association with Native Hawaiian elders; and

''(ii) oral traditions transmitted from generation to generation.

''SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.

''(a) DECLARATION.—Congress declares that it is the policy of the United States, in fulfillment of special responsibilities and legal obligations of the United States to the indigenous people of Hawai'i resulting from the unique and historical relationship between the United States and the indigenous people of Hawaii—

''(1) to raise the health status of Native Hawaiians to the highest practicable health level; and

''(2) to provide Native Hawaiian health care programs with all resources necessary to effectuate that policy.

''(b) INTENT OF CONGRESS.—It is the intent of Congress that—

''(1) health care programs having a demonstrated effect of substantially reducing or eliminating the overrepresentation of Native Hawaiians among those suffering from chronic and acute disease and illness, and addressing the health needs of Native Hawaiians (including perinatal, early child development, and family-based health education needs), shall be established and implemented; and

''(2) the United States—

''(A) raise the health status of Native Hawaiians by the year 2010 to at least the levels described in the goals contained within Healthy People 2010 (or successor standards); and

''(B) incorporate within health programs in the United States activities defined and identified by Kanaka Maoli, such as—

''(i) incorporating and supporting the integration of cultural approaches to health and well-being, including programs using traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), or ocean (kai);

''(ii) increasing the number of Native Hawaiian health and allied-health providers who provide care to or have an impact on the health status of Native Hawaiians;

''(iii) increasing the use of traditional Native Hawaiian foods in—

''(I) the diets and dietary preferences of people, including those of students; and

''(II) school feeding programs;

''(iv) identifying and instituting Native Hawaiian cultural values and practices within the corporate cultures of organizations and agencies providing health services to Native Hawaiians;

''(v) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for individuals desiring that assistance;

''(vi) supporting training and education activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers; and

''(vii) demonstrating the integration of health services for Native Hawaiians, particularly those that integrate mental, physical, and dental services in health care.

''(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to Congress under section 12, a report on the progress made toward meeting the national policy described in this section.

''SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

''(a) DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan that is designed—

''(A) to promote comprehensive health promotion and disease prevention services;

''(B) to maintain and improve the health status of Native Hawaiians; and

''(C) to support community-based initiatives that are reflective of holistic approaches to health.

''(2) CONSULTATION.—

''(A) IN GENERAL.—In carrying out this section, Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with representatives of—

''(i) the Native Hawaiian health care systems;

''(ii) the Native Hawaiian health centers; and

''(iii) the Native Hawaiian community.

''(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purpose of acquiring joint funding, or for such other purposes as are necessary, to accomplish the objectives of this section.

''(3) HEALTH CARE FINANCING STUDY REPORT.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Native Hawaiian Health Care Improvement Reauthorization Act of 2007, Papa Ola Lokahi, in cooperation with the Office of Hawaiian Affairs and other appropriate agencies and organizations in the State (including the Department of Health and the Department of Human Services of the State) and appropriate Federal agencies (including the Centers for Medicare and Medicaid Services), shall submit to Congress a report that describes the impact of Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians.

''(B) COMPONENTS.—The report shall include—

''(i) information concerning the impact on Native Hawaiian health and well-being of—

''(I) cultural competency;

''(II) risk assessment data;

''(III) eligibility requirements and exemptions; and

''(IV) reimbursement policies and capitation rates in effect as of the date of the report for service providers;

''(ii) such other similar information as may be important to improving the health status of Native Hawaiians, as that information relates to health care financing (including barriers to health care); and

''(iii) recommendations for submission to the Secretary, for review and consultation with the Native Hawaiian community.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a).

''SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI.

''(a) IN GENERAL.—Papa Ola Lokahi—

''(1) shall be responsible for—

''(A) the coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan under section 5;

''(B) the training and education of individuals providing health services;

''(C) the identification of and research (including behavioral, biomedical, epidemiological, and health service research) into the diseases that are most prevalent among Native Hawaiians; and

''(D) the development and maintenance of an institutional review board for all research

projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health service research;

''(2) may receive special project funds (including research endowments under section 736 of the Public Health Service Act (42 U.S.C. 293)) made available for the purpose of—

''(A) research on the health status of Native Hawaiians; or

''(B) addressing the health care needs of Native Hawaiians; and

''(3) shall serve as a clearinghouse for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification and research into diseases affecting Native Hawaiians;

''(C) the availability of Native Hawaiian project funds, research projects, and publications;

''(D) the collaboration of research in the area of Native Hawaiian health; and

''(E) the timely dissemination of information pertinent to the Native Hawaiian health care systems.

''(b) CONSULTATION.—

''(1) IN GENERAL.—The Secretary and the Secretary of each other Federal agency shall—

''(A) consult with Papa Ola Lokahi; and

''(B) provide Papa Ola Lokahi and the Office of Hawaiian Affairs, at least once annually, an accounting of funds and services provided by the Secretary to assist in accomplishing the purposes described in section 4.

''(2) COMPONENTS OF ACCOUNTING.—The accounting under paragraph (1)(B) shall include an identification of—

''(A) the amount of funds expended explicitly for and benefitting Native Hawaiians;

''(B) the number of Native Hawaiians affected by those funds;

''(C) the collaborations between the applicable Federal agency and Native Hawaiian groups and organizations in the expenditure of those funds; and

''(D) the amount of funds used for—

''(i) Federal administrative purposes; and

''(ii) the provision of direct services to Native Hawaiians.

''(c) FISCAL ALLOCATION AND COORDINATION OF PROGRAMS AND SERVICES.—

''(1) RECOMMENDATIONS.—Papa Ola Lokahi shall provide annual recommendations to the Secretary with respect to the allocation of all amounts made available under this Act.

''(2) COORDINATION.—Papa Ola Lokahi shall, to the maximum extent practicable, coordinate and assist the health care programs and services provided to Native Hawaiians under this Act and other Federal laws.

''(3) REPRESENTATION ON COMMISSION.—The Secretary, in consultation with Papa Ola Lokahi, shall make recommendations for Native Hawaiian representation on the President's Advisory Commission on Asian Americans and Pacific Islanders.

''(d) TECHNICAL SUPPORT.—Papa Ola Lokahi shall provide statewide infrastructure to provide technical support and coordination of training and technical assistance to—

''(1) the Native Hawaiian health care systems; and

''(2) the Native Hawaiian health centers.

''(e) RELATIONSHIPS WITH OTHER AGENCIES.—

''(1) AUTHORITY.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant institutions, agencies, or organizations that are capable of providing—

''(A) health-related resources or services to Native Hawaiians and the Native Hawaiian health care systems; or

''(B) resources or services for the implementation of the national policy described in section 4.

''(2) HEALTH CARE FINANCING.—

''(A) FEDERAL CONSULTATION.—

''(i) IN GENERAL.—Before adopting any policy, rule, or regulation that may affect the provision of services or health insurance coverage for Native Hawaiians, a Federal agency that provides health care financing and carries out health care programs (including the Centers for Medicare and Medicaid Services) shall consult with representatives of—

''(I) the Native Hawaiian community;

''(II) Papa Ola Lokahi; and

''(III) organizations providing health care services to Native Hawaiians in the State.

''(ii) IDENTIFICATION OF EFFECTS.—Any consultation by a Federal agency under clause (i) shall include an identification of the effect of any policy, rule, or regulation proposed by the Federal agency.

''(B) STATE CONSULTATION.—Before making any change in an existing program or implementing any new program relating to Native Hawaiian health, the State shall engage in meaningful consultation with representatives of—

''(i) the Native Hawaiian community;

''(ii) Papa Ola Lokahi; and

''(iii) organizations providing health care services to Native Hawaiians in the State.

''(C) CONSULTATION ON FEDERAL HEALTH INSURANCE PROGRAMS.—

''(i) IN GENERAL.—The Office of Hawaiian Affairs, in collaboration with Papa Ola Lokahi, may develop consultative, contractual, or other arrangements, including memoranda of understanding or agreement, with—

''(I) the Centers for Medicare and Medicaid Services;

''(II) the agency of the State that administers or supervises the administration of the State plan or waiver approved under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) for the payment of all or a part of the health care services provided to Native Hawaiians who are eligible for medical assistance under the State plan or waiver; or

''(III) any other Federal agency providing full or partial health insurance to Native Hawaiians.

''(ii) CONTENTS OF ARRANGEMENTS.—An arrangement under clause (i) may address—

''(I) appropriate reimbursement for health care services, including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance;

''(II) the scope of services; or

''(III) other matters that would enable Native Hawaiians to maximize health insurance benefits provided by Federal and State health insurance programs.

''(3) TRADITIONAL HEALERS.—

''(A) IN GENERAL.—The provision of health services under any program operated by the Department or another Federal agency (including the Department of Veterans Affairs) may include the services of—

''(i) traditional Native Hawaiian healers; or

''(ii) traditional healers providing traditional health care practices (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(B) EXEMPTION.—Services described in subparagraph (A) shall be exempt from national accreditation reviews, including reviews conducted by—

''(i) the Joint Commission on Accreditation of Healthcare Organizations; and

''(ii) the Commission on Accreditation of Rehabilitation Facilities.

''SEC. 7. NATIVE HAWAIIAN HEALTH CARE.

''(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND OTHER HEALTH SERVICES.—

''(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with 1 or more Native Hawaiian health care systems for the purpose of providing comprehensive health promotion and disease prevention services, as well as other health services, to Native Hawaiians who desire and are committed to bettering their own health.

''(2) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection for any fiscal year.

''(b) PLANNING GRANT OR CONTRACT.—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, Kaho'lawe, and Ni'ihau in the State.

''(c) HEALTH SERVICES TO BE PROVIDED.—

''(1) IN GENERAL.—Each recipient of funds under subsection (a) may provide or arrange for—

''(A) outreach services to inform and assist Native Hawaiians in accessing health services;

''(B) education in health promotion and disease prevention for Native Hawaiians that, wherever practicable, is provided by—

''(i) Native Hawaiian health care practitioners;

''(ii) community outreach workers;

''(iii) counselors;

''(iv) cultural educators; and

''(v) other disease prevention providers;

''(C) services of individuals providing health services;

''(D) collection of data relating to the prevention of diseases and illnesses among Native Hawaiians; and

''(E) support of culturally appropriate activities that enhance health and wellness, including land-based, water-based, ocean-based, and spiritually-based projects and programs.

''(2) TRADITIONAL HEALERS.—The health care services referred to in paragraph (1) that are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers, as appropriate.

''(d) FEDERAL TORT CLAIMS ACT.—An individual who provides a medical, dental, or other service referred to in subsection (a)(1) for a Native Hawaiian health care system, including a provider of a traditional Native Hawaiian healing service, shall be—

''(1) treated as if the individual were a member of the Public Health Service; and

''(2) subject to section 224 of the Public Health Service Act (42 U.S.C. 233).

''(e) SITE FOR OTHER FEDERAL PAYMENTS.—

''(1) IN GENERAL.—A Native Hawaiian health care system that receives funds under subsection (a) may serve as a Federal loan repayment facility.

''(2) REMISSION OF PAYMENTS.—A facility described in paragraph (1) shall be designed to enable health and allied-health professionals to remit payments with respect to loans provided to the professionals under any Federal loan program.

''(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under the grant or contract will not, directly or through contract, be expended—

''(1) for any service other than a service described in subsection (c)(1);

''(2) to purchase or improve real property (other than minor remodeling of existing improvements to real property); or

''(3) to purchase major medical equipment.

''(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or under a contract—

''(1) any health service under the grant or contract will be provided without regard to the ability of an individual receiving the health service to pay for the health service; and

''(2) the entity will impose for the delivery of such a health service a charge that is—

''(A) made according to a schedule of charges that is made available to the public; and

''(B) adjusted to reflect the income of the individual involved.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) GENERAL GRANTS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2007 through 2012.

''(2) PLANNING GRANTS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b) for each of fiscal years 2007 through 2012.

''(3) HEALTH SERVICES.—There are authorized to be appropriated such sums as are necessary to carry out subsection (c) for each of fiscal years 2007 through 2012.

''SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.

''(a) IN GENERAL.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

''(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed under section 5;

''(2) training and education for providers of health services;

''(3) identification of and research (including behavioral, biomedical, epidemiologic, and health service research) into the diseases that are most prevalent among Native Hawaiians;

''(4) a clearinghouse function for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification and research into diseases affecting Native Hawaiians; and

''(C) the availability of Native Hawaiian project funds, research projects, and publications;

''(5) the establishment and maintenance of an institutional review board for all health-related research involving Native Hawaiians;

''(6) the coordination of the health care programs and services provided to Native Hawaiians; and

''(7) the administration of special project funds.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2007 through 2012.

''SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.

''(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of the grant or contract are achieved.

''(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

''(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary shall not make a grant or enter into a contract under this Act with an entity unless the entity—

''(1) agrees to establish such procedures for fiscal control and fund accounting as the Secretary determines are necessary to ensure proper disbursement and accounting with respect to the grant or contract;

''(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

''(3) with respect to providing health services to any population of Native Hawaiians, a substantial portion of which has a limited ability to speak the English language—

''(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

''(B) has designated at least 1 individual who is fluent in English and the appropriate language to assist in carrying out the plan;

''(4) with respect to health services that are covered under a program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) (including any State plan), or under any other Federal health insurance plan—

''(A) if the entity will provide under the grant or contract any of those health services directly—

''(i) has entered into a participation agreement under each such plan; and

''(ii) is qualified to receive payments under the plan; and

''(B) if the entity will provide under the grant or contract any of those health services through a contract with an organization—

''(i) ensures that the organization has entered into a participation agreement under each such plan; and

''(ii) ensures that the organization is qualified to receive payments under the plan; and

''(5) agrees to submit to the Secretary and Papa Ola Lokahi an annual report that—

''(A) describes the use and costs of health services provided under the grant or contract (including the average cost of health services per user); and

''(B) provides such other information as the Secretary determines to be appropriate.

''(d) CONTRACT EVALUATION.—

''(1) DETERMINATION OF NONCOMPLIANCE.—If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, before renewing the contract—

''(A) attempt to resolve the areas of noncompliance or unsatisfactory performance; and

''(B) modify the contract to prevent future occurrences of the noncompliance or unsatisfactory performance.

''(2) NONRENEWAL.—If the Secretary determines that the noncompliance or unsatisfactory performance described in paragraph (1) with respect to an entity cannot be resolved and prevented in the future, the Secretary—

''(A) shall not renew the contract with the entity; and

''(B) may enter into a contract under section 7 with another entity referred to in section 7(a)(3) that provides services to the same population of Native Hawaiians served by the entity the contract with which was not renewed by reason of this paragraph.

''(3) CONSIDERATION OF RESULTS.—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluations conducted under this section.

''(4) APPLICATION OF FEDERAL LAWS.—Each contract entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws (including regulations), except that, in the discretion of the Secretary, such a contract may—

''(A) be negotiated without advertising; and

''(B) be exempted from subchapter III of chapter 31, United States Code.

''(5) PAYMENTS.—A payment made under any contract entered into under this Act—

''(A) may be made—

''(i) in advance;

''(ii) by means of reimbursement; or

''(iii) in installments; and

''(B) shall be made on such conditions as the Secretary determines to be necessary to carry out this Act.

''(e) REPORT.—

''(1) IN GENERAL.—For each fiscal year during which an entity receives or expends funds under a grant or contract under this Act, the entity shall submit to the Secretary and to Papa Ola Lokahi an annual report that describes—

''(A) the activities conducted by the entity under the grant or contract;

''(B) the amounts and purposes for which Federal funds were expended; and

''(C) such other information as the Secretary may request.

''(2) AUDITS.—The reports and records of any entity concerning any grant or contract under this Act shall be subject to audit by—

''(A) the Secretary;

''(B) the Inspector General of the Department of Health and Human Services; and

''(C) the Comptroller General of the United States.

''(f) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant to carry out this section.

''SEC. 10. ASSIGNMENT OF PERSONNEL.

''(a) IN GENERAL.—The Secretary may enter into an agreement with Papa Ola Lokahi or any of the Native Hawaiian health care systems for the assignment of personnel of the Department of Health and Human Services with relevant expertise for the purpose of—

''(1) conducting research; or

''(2) providing comprehensive health promotion and disease prevention services and health services to Native Hawaiians.

''(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

''SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.

''(a) ELIGIBILITY.—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide to Papa Ola Lokahi, through a direct grant or a cooperative agreement, funds for the purpose of providing scholarship and fellowship assistance, counseling, and placement service assistance to students who are Native Hawaiians.

''(b) PRIORITY.—A priority for scholarships under subsection (a) may be provided to employees of—

''(1) the Native Hawaiian Health Care Systems; and

''(2) the Native Hawaiian Health Centers.

''(c) TERMS AND CONDITIONS.—

''(1) SCHOLARSHIP ASSISTANCE.—

''(A) IN GENERAL.—The scholarship assistance under subsection (a) shall be provided in accordance with subparagraphs (B) through (G).

''(B) NEED.—The provision of scholarships in each type of health profession training shall correspond to the need for each type of health professional to serve the Native Hawaiian community in providing health services, as identified by Papa Ola Lokahi.

''(C) ELIGIBLE APPLICANTS.—To the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by Papa Ola Lokahi.

''(D) OBLIGATED SERVICE REQUIREMENT.—

''(i) IN GENERAL.—An obligated service requirement for each scholarship recipient (except for a recipient receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—

''(I) any of the Native Hawaiian health care systems;

''(II) any of the Native Hawaiian health centers;

''(III) 1 or more health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the Public Health Service in the State;

''(IV) a Native Hawaiian organization that serves a geographical area, facility, or organization that serves a significant Native Hawaiian population;

''(V) any public agency or nonprofit organization providing services to Native Hawaiians; or

''(VI) any of the uniformed services of the United States.

''(ii) ASSIGNMENT.—The placement service for a scholarship shall assign each Native Hawaiian scholarship recipient to 1 or more appropriate sites for service in accordance with clause (i).

''(E) COUNSELING, RETENTION, AND SUPPORT SERVICES.—The provision of academic and personal counseling, retention and other support services—

''(i) shall not be limited to scholarship recipients under this section; and

''(ii) shall be made available to recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

''(F) FINANCIAL ASSISTANCE.—After consultation with Papa Ola Lokahi, financial assistance may be provided to a scholarship recipient during the period that the recipient is fulfilling the service requirement of the recipient in any of—

''(i) the Native Hawaiian health care systems; or

''(ii) the Native Hawaiians health centers.

''(G) DISTANCE LEARNING RECIPIENTS.—A scholarship may be provided to a Native Hawaiian who is enrolled in an appropriate distance learning program offered by an accredited educational institution.

''(2) FELLOWSHIPS.—

''(A) IN GENERAL.—Papa Ola Lokahi may provide financial assistance in the form of a fellowship to a Native Hawaiian health professional who is—

''(i) a Native Hawaiian community health representative, outreach worker, or health program administrator in a professional training program;

''(ii) a Native Hawaiian providing health services; or

''(iii) a Native Hawaiian enrolled in a certificated program provided by traditional Native Hawaiian healers in any of the traditional Native Hawaiian healing practices (including lomi-lomi, la'au lapa'au, and ho'oponopono).

''(B) TYPES OF ASSISTANCE.—Assistance under subparagraph (A) may include a stipend for, or reimbursement for costs associated with, participation in a program described in that paragraph.

''(3) RIGHTS AND BENEFITS.—An individual who is a health professional designated in section 338A of the Public Health Service Act (42 U.S.C. 254*l*) who receives a scholarship under this subsection while fulfilling a service requirement under that Act shall retain the same rights and benefits as members of the National Health Service Corps during the period of service.

''(4) NO INCLUSION OF ASSISTANCE IN GROSS INCOME.—Financial assistance provided under this section shall be considered to be qualified scholarships for the purpose of section 117 of the Internal Revenue Code of 1986.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsections (a) and (c)(2) for each of fiscal years 2007 through 2012.

''SEC. 12. REPORT.

''For each fiscal year, the President shall, at the time at which the budget of the United States is submitted under section 1105 of title 31, United States Code, submit to Congress a report on the progress made in meeting the purposes of this Act, including—

''(1) a review of programs established or assisted in accordance with this Act; and

''(2) an assessment of and recommendations for additional programs or additional assistance necessary to provide, at a minimum, health services to Native Hawaiians, and ensure a health status for Native Hawaiians, that are at a parity with the health services available to, and the health status of, the general population.

''SEC. 13. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

''(a) IN GENERAL.—The Secretary shall permit an organization that enters into a contract or receives grant under this Act to use in carrying out projects or activities under the contract or grant all existing facilities under the jurisdiction of the Secretary (including all equipment of the facilities), in accordance with such terms and conditions as may be agreed on for the use and maintenance of the facilities or equipment.

''(b) DONATION OF PROPERTY.—The Secretary may donate to an organization that enters into a contract or receives grant under this Act, for use in carrying out a project or activity under the contract or grant, any personal or real property determined to be in excess of the needs of the Department or the General Services Administration.

''(c) ACQUISITION OF SURPLUS PROPERTY.—The Secretary may acquire excess or surplus Federal Government personal or real property for donation to an organization under subsection (b) if the Secretary determines that the property is appropriate for use by the organization for the purpose for which a contract entered into or grant received by the organization is authorized under this Act.

''SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) AUTHORITY AND AREAS OF INTEREST.—

''(1) IN GENERAL.—The Secretary, in consultation with Papa Ola Lokahi, may allocate amounts made available under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance.

''(2) AREAS OF INTEREST.—A demonstration project described in paragraph (1) may relate to such areas of interest as—

''(A) the development of a centralized database and information system relating to the health care status, health care needs, and wellness of Native Hawaiians;

''(B) the education of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in healing practices, including Native Hawaiian healing practices;

''(C) the integration of Western medicine with complementary healing practices, including traditional Native Hawaiian healing practices;

''(D) the use of telehealth and telecommunications in—

''(i) chronic and infectious disease management; and

''(ii) health promotion and disease prevention;

''(E) the development of appropriate models of health care for Native Hawaiians and other indigenous people, including—

''(i) the provision of culturally competent health services;

''(ii) related activities focusing on wellness concepts;

''(iii) the development of appropriate kupuna care programs; and

''(iv) the development of financial mechanisms and collaborative relationships leading to universal access to health care; and

''(F) the establishment of—

''(i) a Native Hawaiian Center of Excellence for Nursing at the University of Hawai'i at Hilo;

''(ii) a Native Hawaiian Center of Excellence for Mental Health at the University of Hawai'i at Manoa;

''(iii) a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center;

''(iv) a Native Hawaiian Center of Excellence for Research, Training, Integrated Medicine at Molokai General Hospital; and

''(v) a Native Hawaiian Center of Excellence for Complementary Health and Health Education and Training at the Waianae Coast Comprehensive Health Center.

''(3) CENTERS OF EXCELLENCE.—Papa Ola Lokahi, and any centers established under paragraph (2)(F), shall be considered to be qualified as Centers of Excellence under sections 485F and 903(b)(2)(A) of the Public Health Service Act (42 U.S.C. 287c–32, 299a–1).

''(b) NONREDUCTION IN OTHER FUNDING.—The allocation of funds for demonstration projects under subsection (a) shall not result in any reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Centers, the Native Hawaiian Health Scholarship Program, or Papa Ola Lokahi to carry out the respective responsibilities of those entities under this Act.

''SEC. 15. RULE OF CONSTRUCTION.

''Nothing in this Act restricts the authority of the State to require licensing of, and issue licenses to, health practitioners.

''SEC. 16. COMPLIANCE WITH BUDGET ACT.

''Any new spending authority described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)) that is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in Acts of appropriation.

''SEC. 17. SEVERABILITY.

''If any provision of this Act, or the application of any such provision to any person or circumstance, is determined by a court of competent jurisdiction to be invalid, the remainder of this Act, and the application of the provision to a person or circumstance other than that to which the provision is held invalid, shall not be affected by that holding.''.

By Mr. BOND (for himself, Mr. LEAHY, Mr. NELSON of Nebraska, and Ms. SNOWE):

S. 430. A bill to amend title 10, United States Code, to enhance the national defense through empowerment

of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, today I introduce legislation about the National Guard with Senator KIT BOND, my fellow co-chair of the Senate's National Guard Caucus, and Senator BEN NELSON, a longtime caucus member and a subcommittee chair of the Senate Armed Services Committee. The National Guard Empowerment Act of 2007 would improve the management of the National Guard, and it will give the Guard more responsibility in improving our defense arrangements at home, where the Guard works in tandem with the Nation's governors to help keep our communities safe. This legislation will strengthen the National Guard, the military, and our Nation, and I believe it is something that deserves our attention and approval.

As Senators, we know all too well the many ways in which our communities rely on the National Guard. The soldiers of the National Guard, like their active duty counterparts, have expended an extraordinary amount of will and sacrifice in the wars in Afghanistan and Iraq. The National Guard comprised almost 50 percent of the forces on the ground in Iraq less than 2 years ago, and now, as the Pentagon plans to implement the President's plans for a troop escalation, the percentage of Guard troops on the ground is set to rise once again.

At the same time, we are constantly witness to the equally heralded work that the National Guard has done to increase security at home. Along with efforts to increase security along both the northern and southern borders, the Guard has bolstered security at special events across the country, including the Olympics, the national political party conventions, and events here in our Nation's capital. Most importantly, the National Guard provided the best—the very best—response of any agency, Federal, State or local, in the disastrous aftermath of Hurricane Katrina, sending tens of thousands of troops to the hardest-hit communities in relatively short order.

When you look at these examples, it is indisputable that the National Guard is only limited in what it can do for us by the authorities, policies, available equipment, responsibilities, and support that we give them.

It is time to give the Guard more tools and support to effectively carry out these responsibilities.

With the knowledge that the use of the National Guard is sure to increase in the future, the President, the Secretary of Defense, and the Chairman of the Joint Chiefs need unfettered and unmediated advice about how to utilize the force, whether balancing both the domestic and overseas missions of the National Guard or using the Guard to support the Nation's governors in domestic emergencies. Given this need for greater input on Guard matters, it is only logical that the leadership within the National Guard should be the ones doing the advising. And, as the Guard becomes more active within the military's total force, it only makes sense to increase the number of Guard generals at the highest reaches of the military command, where key force management decisions are made.

At the same time, the National Guard is in a position to deal with some of the basic missions at home that are simply not being address by the Department of Defense. We have some real heroes at the recently established Northern Command, which is working with various civilian agencies to prevent another attack at home. Yet, the processes to deal with the mission of having military support of civilian authorities in domestic emergencies are as yet undefined.

Northern command, meanwhile, is taking only perfunctory input from the nation's governors who, along with local officials, will bear much of the responsibility in disaster situations. Five years after September 11, we cannot wait to give more definition to how the military will support civil authorities in an emergency, and we cannot wait until an actual emergency to inform State governors about what resources are available to them. With some new authorities, we can give the Guard the mission of leading the effort to support civilian authorities at home and in working with the States and governors to plan for such disasters.

Elevating the National Guard bureaucratically, increasing the quality advice on the Guard to the senior command, and improving response to domestic emergencies are exactly what the provisions of the National Guard Empowerment Act will accomplish.

First, the National Guard Empowerment Act elevates the Chief of the National Guard Bureau from the rank of lieutenant general to general with four-stars, with a seat on the Joint Chiefs of Staff. This move will give the Nation's governors and adjutants general a straight line of communication to the Joint Chiefs Chairman, the Secretary of Defense, and the President. Having personnel with more knowledge and experience with the Guard involved in key budget and policy deliberations, the branches of the active duty services will be less willing to try to balance budgets on the back of the reserve forces like the Guard, which only goes against our overall ability to respond.

Second, the act gives the National Guard the responsibility of working with the States to identify gaps in their response capabilities, of setting equipment requirements, and procuring these much needed items. The act will ensure that a National Guard commander is the deputy commander of Northern Command and that the Guard—and thus, in turn, the governors—work in tandem with the command to set out specific plans to support our elected and civilian leaders in an emergency.

Let me be clear about what this legislation does not do. The Guard Empowerment Act does not make the National Guard a separate armed service. The Guard will remain an integral partner of the Army and the Air Force. Nor is the act some kind of wanton power grab. Instead, the act would bring the National Guard's bureaucratic position in line with what it is already doing and what we will expect of it in the future. Passage of the act will, utmost, not disturb or undermine our defense arrangements. Rather, it will empower the entire military to deal with critically important problems that it is simply not addressing.

This legislation has been carefully crafted over the past year and a half, and it incorporates the input we received from the adjutants general, the National Guard leadership, the governors, and key officers across the defense establishment. I would like to submit for the RECORD letters of support from the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and the Adjutants General Association of the United States.

This drive to empower the Guard is also gaining momentum in Congress. Since 9/11 we have been asking the Guard to do more and more, and they have superbly handled their dual role at home and abroad. But strains are showing in the system. The Guard is a 21st century military organization that has to operate under a 20th century bureaucracy. The Guard's ability to help the Nation is limited only by the resources, authorities, and responsibility we give it. Let us put the trust in the men and women of the Guard that they have deserved and earned, by giving them the seat at the table that they need.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, DC, January 25, 2007.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The National Guard Association of the United States continues to support the critical changes that were included in the National Defense Enhancement and National Guard Empowerment Act of 2006. We appreciate your efforts, along with Senator Bond, in introducing a new bill in the Senate that incorporates these same areas of concern.

S. 2658 was a bold step in the last session to provide the National Guard with an adequate voice in the deliberations of the Department of Defense as together we meet the future threats to the nation, both here at home and overseas.

As you know, NGAUS worked vigorously in 2006 to secure passage of S. 2658 and we have continued that aggressive support in hearings before the Commission on the National Guard and Reserve. While we regret that their deliberations have created some delay

in implementing these key solutions to National Guard issues we remain hopeful that they too will recognize the wisdom contained in the National Guard Empowerment Act of 2007.

Thank you for your assistance on behalf of the National Guard. Please let us know how we may be of further assistance in this endeavor.

Sincerely,

STEPHEN M. KOPER,
Brigadier General (Ret), President.

JANUARY 30, 2007.

Hon. BEN NELSON,
U.S. Senate, Washington, DC.
Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.
Hon. KIT BOND,
U.S. Senate, Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

As you are most certainly aware the Adjutants General of the 54 states, territories, and District of Columbia have provided trained and ready National Guard forces to protect the nation inside and outside of its borders in unprecedented numbers since 9/11. Since then we have sought reform within the Department of Defense for the National Guard to fully transform from a strategic reserve to an operational reserve.

We are united in support of the National Guard Empowerment Act of 2007. The legislation contains key elements that will enhance the ability of the National Guard to equip and train for its dual role missions. Elevating the Chief, National Guard Bureau to four-star rank is needed to ensure representation at the highest levels when addressing homeland security and National Guard usage. Making the National Guard Bureau a joint activity in DoD responds directly to White House recommendations contained in its report on Hurricane Katrina. A greater National Guard presence is needed at USNORTHCOM. Your legislation does this by requiring the deputy commander to be a National Guard general. Other provisions deal with expanding opportunities for National Guard leaders to compete for top level assignments. Finally, the legislation focuses on identifying and correcting critical gaps in resources needed to protect U.S. citizens.

Recent events have demonstrated again what we all already know that the National Guard will continue to be needed at unprecedented levels for missions impossible to contemplate. The National Guard will be part of the build up in Iraq to finally defeat terrorist and sectarian elements which will require extraordinary sacrifices by families and employers. The National Guard continues to assist in securing the nation's southwest border.

The National Guard Empowerment Act of 2007 is comprehensive and visionary. It acknowledges how the nature of warfare and national security has changed and offers bold changes to reshape military leadership to meet new threats. Testimony from DoD's highest leaders to the Commission on National Guard and Reserve in December indicates that no other plan is in work to strengthen the voice of the National Guard in the halls of the Pentagon.

You can count on support from the Adjutants General Association of the United States in seeking critical changes that will assure a strong National Guard ready to serve this great nation domestically and fighting terrorism.

Sincerely,

ROGER P. LEMPKE,
Major General, President.

EANGUS,
Alexandria, VA, January 25, 2007.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.
Hon. CHRISTOPHER BOND,
U.S. Senate, Washington, DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is the only military service association that represents the interests of every enlisted soldier and airmen in the Army and Air National Guard. With a constituency base of over 414,000 soldiers and airmen, their families, and a large retiree membership, EANGUS engages Capitol Hill on behalf of courageous Guard persons across this nation.

On behalf of EANGUS, and the soldiers and airmen it represents, I'd like to communicate our support for legislation to elevate the position of Chief National Guard Bureau to General, to place the Chief on the Joint Chiefs of Staff, and to enhance the responsibilities of the Chief of the National Guard Bureau and the functions of the National Guard Bureau. For years, the Chief of the National Guard Bureau, and the National Guard as a whole, has deliberately been in the shallow end of the resource pool, bearing the brunt of budget cuts to the Army and Air Force, and having to ''take it out of hide'' to accomplish federal and state missions that were required by statute but not fully funded by the services or Department of Defense.

Our association stands firm in support of Congressional action to remedy this long-endured and untenable situation. The lack of trust and respect of the National Guard by DOD political and military leaders, as well as the service secretaries, the consistent under-funding of National Guard appropriations accounts, and the intentional lack of communication and coordination all have the probability of being rectified by this legislation by making the National Guard a full player in the decision-making and appropriations process.

Thank you for taking legislative action that is not only timely, but unfortunately necessary, and long overdue. We look forward to working with your staff as this legislation works its way into law.

Working for America's Best!

MSG MICHAEL P. CLINE, USA (RET),
Executive Director.

By Mr. SCHUMER (for himself and Mr. MCCAIN):

S. 431. A bill to require convicted sex offenders to register online identifiers, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I am pleased to join my colleague, Senator SCHUMER, in sponsoring the ''Keeping the Internet Devoid of Sexual-Predators Act of 2007,'' otherwise known as the KIDS Act. This bill would require a convicted sex offender to register any e-mail address, instant message address or other similar Internet identifying information the sex offender uses or may use with the Department of Justice's National Sex Offender Registry. This information would then be made available to commercial social networking websites for the purpose of screening the website's user database to ensure convicted sex offenders are not using the website to prey on innocent children.

The Internet is likely the greatest invention of the 21st century; however, it has also brought ready access to millions of children by would be pedophiles. There are thousands of social networking websites and chat rooms where children post personal information about themselves hoping to connect with other children. Many children who access the Internet in a safe environment, such as their home or school, combined with the natural trust of a child, forget that they are sharing personal information with complete strangers. This allows strangers that a child would likely never speak with in the ''real world'' to prey on children more easily.

In a Pew Internet and American Life survey released earlier this month, 55 percent of adolescents polled said they have posted a profile on a social networking website, and 48 percent of adolescents polled say they visit a social networking website every day. These statistics prove that the fight to protect our children from sexual predators has moved from the playground to the Internet.

For this reason, Senator SCHUMER and I are introducing legislation that would enable social networking websites to protect their young users from convicted sex offenders. By requiring sex offenders to register e-mail addresses and other Internet identifying information with the Department of Justice, and allowing the Department to offer this information to commercial social networking websites, Congress is providing websites with the tools to come forth with innovative solutions to protect children. A similar proposal was included in S. 4089, the Stop the Exploitation of Our Children Act of 2006, which I introduced on December 6, 2006.

According to the same Pew Internet and American life survey, fully 85 percent of adolescents who have created an online profile say the profile they use or update most often is on MySpace, while 7 percent update a profile on Facebook. Consequently, I am pleased to report that both MySpace and Facebook endorse the KIDS Act. I look forward to other commercial social networking websites endorsing the bill and using the registry information after the bill is signed into law. Additionally, the bill is endorsed by the American Family Association. We all know that engaged parents are the best deterrent against sexual predators looking to prey on our children on the Internet. Parents that monitor their children's access to the Internet or are present when the child or adolescent is on-line are able to better ensure their children are not drawn into inappropriate online conversations with sexual predators.

Last week I received an e-mail from a police detective who investigates Internet sex crimes in Ohio. The detective gave his full endorsement for this legislation stating, ''What a great idea . . . [Congress] continues to arm us with great legislation to help protect our nation's children.'' I agree and

hope my colleagues will join with Senator SCHUMER and me in supporting this bill to give websites and law enforcement this important tool in their fight to protect our children.

By Mr. OBAMA:

S. 433. A bill to state United States policy for Iraq, and for other purposes; to the Committee on Foreign Relations.

Mr. OBAMA. Mr. President, there are countless reasons that the American people have lost confidence in the President's Iraq policy, but chief among them has been the Administration's insistence on making promises and assurances about progress and victory that have no basis whatsoever in the reality of the facts on the ground.

We have been told that we would be greeted as liberators. We have been promised that the insurgency was in its last throes. We have been assured again and again that we were making progress, that the Iraqis would soon stand up, that our brave sons and daughters could soon stand down. We have been asked to wait, and asked to be patient, and asked to give the President and the new Iraqi government six more months, and then six more months after that, and then six more months after that.

Despite all of this, a change of course still seemed possible. Back in November, the American people had voted for a new direction in Iraq. Secretary Rumsfeld was on his way out at the Pentagon. The Iraq Study Group was poised to offer a bipartisan consensus. The President was conducting his own review. After years of missteps and mistakes, it was time for a responsible policy grounded in reality, not ideology.

Instead, the President ignored the counsel of expert civilians and experienced soldiers, the hard-won consensus of prominent Republicans and Democrats, and the clear will of the American people.

The President's decision to move forward with this escalation anyway, despite all evidence and military advice to the contrary, is the terrible consequence of the decision to give him the broad, open-ended authority to wage this war in 2002. Over four years later, we cannot revisit that decision or reverse its outcome, but we can do what we didn't back then and refuse to give this President more open-ended authority for this war.

The U.S. military has performed valiantly and brilliantly in Iraq. Our troops have done all we have asked them to do and more. But no quantity of American soldiers can solve the political differences at the heart of somebody else's civil war, nor settle the grievances in the hearts of the combatants.

I cannot in good conscience support this escalation. As the President's own military commanders have said, escalation only prevents the Iraqis from taking more responsibility for their own future. It's even eroding our efforts in the wider war on terror, as some of the extra soldiers could come directly from Afghanistan, where the Taliban has become resurgent.

The course the President is pursuing fails to recognize the fundamental reality that the solution to the violence in Iraq is political, not military. He has offered no evidence that more U.S. troops will be able to pressure Shiites, Sunnis, and Kurds towards the necessary political settlement, and he's attached no conditions or consequences to his plan should the Iraqis fail to make progress.

In fact, just a few weeks ago, when I repeatedly asked Secretary Rice what would happen if the Iraqi government failed to meet the benchmarks that the Administration has called for, she could not give me an answer. When I asked her if there were any circumstances whatsoever in which we would tell the Iraqis that their failure to make progress would mean the end of our military commitment, she still could not give me an answer.

This is not good enough. When you ask how many more months and how many more lives it will take to end a policy that everyone knows has failed, ''I don't know'' isn't good enough.

Over the past four years, we have given this Administration chance after chance to get this right, and they have disappointed us so many times. That is why Congress now has the duty to prevent even more mistakes. Today, I am introducing legislation that rejects this policy of escalation, and implements a comprehensive approach that will promote stability in Iraq, protect our interests in the region, and bring this war to a responsible end.

My legislation essentially puts into law the speech I gave in November, 2006, and is, I believe, the best strategy for going forward.

The bill implements—with the force of law—a responsible redeployment of our forces out of Iraq, not a precipitous withdrawal. It implements key recommendations of the bipartisan Iraq Study Group. It applies real leverage on the Iraqis to reach the political solution necessary to end the sectarian violence that is tearing Iraq apart. It holds the Iraqi government accountable, making continued U.S. support conditional on concrete Iraqi progress. It respects the role of military commanders, while fulfilling Congress's responsibility to uphold the Constitution and heed the will of the American people.

First, this legislation caps the number of U.S. troops in Iraq at the number in Iraq on January 10, 2007—the day the President gave his ''surge speech'' to the nation. This cap could not be lifted without explicit authorization by the Congress.

Yet our responsibilities to the American people and to our servicemen and women go beyond opposing this ill-conceived escalation. We must fashion a comprehensive strategy to accomplish what the President's surge fails to do: pressure the Iraqi government to reach a political settlement, protect our interests in the region, and bring this war to a responsible end.

That is why my legislation commences a phased redeployment of U.S. troops to begin on May 1, 2007 with a goal of having all combat brigades out of Iraq by March 31, 2008, a date that is consistent with the expectation of the Iraq Study Group. The legislation provides exceptions for force protection, counterterrorism, and training of Iraqi security forces.

To press the Iraqi government to act, this drawdown can be suspended for 90-day periods if the President certifies and the Congress agrees that the Iraqi government is meeting specific benchmarks and the suspension is in the national security interests of the United States. These benchmarks include: Meeting security responsibilities. The Iraqi government must deploy brigades it promised to Baghdad, lift restrictions on the operations of the U.S. military, and make significant progress toward assuming full responsibility for the security of Iraq's provinces. Cracking down on sectarian violence. The Iraqi government must make significant progress toward reducing the size and influence of sectarian militias, and the presence of militia elements within the Iraqi Security Forces. Advancing national reconciliation. The Iraqi government must pass legislation to share oil revenues equitably; revise de-Baathification to enable more Iraqis to return to government service; hold provisional elections by the end of the year; and amend the Constitution in a manner that sustains reconciliation. Making economic progress. The Iraqi government must make available at least $10,000,000,000 for reconstruction, job creation, and economic development as it has promised to do. The allocation of these resources, the provision of services, and the administration of Iraqi Ministries must not proceed on a sectarian basis.

These benchmarks reflect actions proposed by the President and promised by the Iraqi government. It is time to hold them accountable.

Recognizing that the President has not been straightforward with the American people about the war in Iraq, my legislation allows the Congress—under expedited procedures—to overrule a Presidential certification and continue the redeployment.

Time and again, we have seen deadlines for Iraqi actions come and go—with no consequences. Time and again we have heard pledges of progress from the administration—followed by a descent into chaos. The commitment of U.S. troops to Iraq represents our best leverage to press the Iraqis to act. And the further commitment of U.S. economic assistance to the Government of Iraq must be conditional on Iraqi action.

As the U.S. drawdown proceeds, my legislation outlines how U.S. troops

should be redeployed back to the United States and to other points in the region. In the region, we need to maintain a substantial over-the-horizon force to prevent the conflict in Iraq from becoming a wider war, to reassure our allies, and to protect our interests. And we should redeploy forces to Afghanistan, so we not just echo—but answer—NATO's call for more troops in this critical fight against terrorism.

Within Iraq, we may need to maintain a residual troop presence to protect U.S. personnel and facilities, go after international terrorists, and continue training efforts. My legislation allows for these critical but narrow exceptions as the redeployment proceeds and is ultimately completed.

My legislation makes it U.S. policy to undertake a comprehensive diplomatic strategy to promote a political solution within Iraq, and to prevent wider regional strife. This diplomatic effort must include our friends in the region, but it should also include Syria and Iran, who need to be part of the conversation about stabilizing Iraq. Not talking is getting us nowhere. Not talking is not making us more secure, nor is it weakening our adversaries.

The President should appoint a special envoy with responsibility to implement this regional engagement. And as we go forward, we must make it clear that redeployment does not mean disengagement from the region. On the contrary, it is time for a more comprehensive engagement that skillfully uses all tools of American power.

Finally, my legislation compels the President to formulate a strategy to prevent the war in Iraq from becoming a wider conflagration.

Let me conclude by saying that there are no good options in Iraq. We cannot undo the mistake of that congressional authorization, or the tragedies of the last four years.

Just as I have been constant in my strong opposition to this war, I have consistently believed that opposition must be responsible. As reckless as we were in getting into Iraq, we have to be as careful getting out. We have significant strategic interests in Iraq and the region. We have a humanitarian responsibility to help the Iraqi people. Above all, we have an obligation to support our courageous men and women in uniform—and their families back home—who have sacrificed beyond measure.

It is my firm belief that the responsible course of action—for the United States, for Iraq, and for our troops—is to oppose this reckless escalation and to pursue a new policy. This policy is consistent with what I have advocated for well over a year, with many of the recommendations of the bipartisan Iraq Study Group, and with what the American people demanded in November.

When it comes to the war in Iraq, the time for promises and assurances, for waiting and patience, is over. Too many lives have been lost and too many billions have been spent for us to trust the President on another tried and failed policy opposed by generals and experts, Democrats and Republicans, Americans and even the Iraqis themselves. It is time to change our policy. It is time to give Iraqis their country back. And it is time to refocus America's efforts on the wider struggle against terror yet to be won.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REED, Ms. CANTWELL, Mr. LIEBERMAN, Mr. LEAHY, Mr. COLEMAN, and Mr. INOUYE):

S. 434. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, since the passage of the Children's Health Insurance Program, or CHIP, in 1997, a group of States that expanded coverage to children in Medicaid prior to the enactment of CHIP has been unfairly penalized for that expansion. States are not allowed to use the enhanced matching rate available to other States for children at similar levels of poverty under the act. As a result, a child in the States of New York, Florida, and Pennsylvania, because they were grandfathered in the original act or in Iowa, Montana, or a number of other States at 134 percent of poverty is eligible for an enhanced matching rate in CHIP but that has not been the case for States such as New Mexico, Vermont, Washington, Rhode Island, Hawaii, and a number of others, including Connecticut, Tennessee, Minnesota, New Hampshire, Wisconsin, and Maryland.

As the health policy statement by the National Governors' Association reads, ''The Governors believe that it is critical that innovative states not be penalized for having expanded coverage to children before the enactment of S–CHIP, which provides enhanced funding to meet these goals. To this end, the Governors support providing additional funding flexibility to states that had already significantly expanded coverage of the majority of uninsured children in their states.''

For 6 years, our group of States have sought to have this inequity addressed. Early in 2003, I introduced the ''Children's Health Equity of 2003'' with Senators JEFFORDS, MURRAY, LEAHY, and Ms. CANTWELL and we worked successfully to get a compromise worked out for inclusion in S. 312 by Senators ROCKEFELLER, and CHAFEE. This compromise extended expiring CHIP allotments only for fiscal years 1998 through 2001 in order to meet budgetary caps.

The compromise allowed States to be able to use up to 20 percent of our State's CHIP allotments to pay for Medicaid eligible children about 150 percent of poverty that were part of our State's expansions prior,to the enactment of CHIP. That language was maintained in conference and included in H.R. 2854 that was signed by the President as Public Law 108–74. Unfortunately, a slight change was made in the conference language that excluded New Mexico and Hawaii, Maryland, and Rhode Island needed specific changes so an additional bill was passed, H.R. 3288, and signed into law as Public Law 108–107, on November 17, 2003. This second bill included language from legislation that I introduced with Senator DOMENICI, S. 1547, to address the problem caused to New Mexico by the conference committee's change. Unfortunately, one major problem with the compromise was that it must be periodically reauthorized. Most recently, this authority was renewed through Fiscal Year 2007 in Section 201(b) of the National Institutes of Health Reform Act of 2006, Pub. L. No 109–482. Without future authority, the inequity would continue with CHIP allotments.

This legislation would address that problem and ensure that all future allotments give these 11 States the flexibility to use up to 20 percent of our CHIP allotments to pay for health care services of children. In order to bring these requirements in-line with those of other states, it also would lower the threshold at which New Mexico and other effected states could utilize the funds from 150 percent of the Federal poverty level to 125 percent.

This rather technical issue has real and negative consequences in States such as New Mexico. In fact, due to the CHIP inequity, New Mexico has been allocated $266 million from CHIP between fiscal years 1998 and 2002, and yet, has only been able to spend slightly over $26 million as of the end of last fiscal year. In other words, New Mexico has been allowed to spend less than 10 percent of its federal CHIP allocations.

This legislation would correct this problem.

The bill does not take money from other States's CHIP allotments. It simply allows our States to spend our States' specific CHIP allotments from the Federal Government on our uninsured children—just as other States across the country are doing.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Health Equity Technical Amendments Act of 2007''.

SEC. 2. AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP ALLOTMENT FOR ANY FISCAL YEAR FOR CERTAIN MEDICAID EXPENDITURES.

(a) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C.

1397ee(g)(1)(A)), as amended by section 201(b) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482) is amended by striking ''fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006, or 2007'' and inserting ''a fiscal year''.

(b) MODIFICATION OF ALLOWABLE EXPENDITURES.—Section 2105(g)(1)(B)(ii) of such Act (42 U.S.C. 1397ee(g)(1)(B)(ii)) is amended by striking ''150'' and inserting ''125''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply to expenditures made on or after that date.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. DORGAN, Mr. ENZI, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. SCHUMER, Mr. LEAHY, Mr. LEVIN, Mr. SPECTER, Mr. NELSON of Nebraska, and Mr. SANDERS):

S. 435. A bill to amend title 49, United States Code, to preserve the essential air service program; to the Committee on Commerce, Science, and Transportation.

Mr. BINGAMAN. Mr. President, I rise today with 12 other senators to introduce the bipartisan Essential Air Service Preservation Act of 2007. I am pleased again to have my colleague Senator SNOWE as the principal cosponsor of the bill. Senator SNOWE has been a long-time champion of commercial air service in rural areas, and I appreciate her continued leadership on this important legislation. Senators DORGAN, ENZI, COLLINS, HAGEL, HARKIN, SCHUMER, LEAHY, LEVIN, SPECTER, BEN NELSON, and SANDERS are also cosponsors of the bill.

Congress established the Essential Air Service Program in 1978 to ensure that communities that had commercial air service before airline deregulation would continue to receive scheduled service. Without EAS, many rural communities would have no commercial air service at all.

Our bill is very simple. It preserves Congress' intent in the Essential Air Service program by repealing a provision in the 2003 FAA reauthorization bill that would for the first time require communities to pay for their commercial air service. The legislation that imposed mandatory cost sharing on communities to retain their commercial air service had been stricken from both the House and Senate versions of the FAA reauthorization bill, but was reinserted by conferees. I believe that any program that forces communities to pay to continue to receive their commercial air service could well be the first step in the total elimination of scheduled air service for many rural communities.

In response, every year since mandatory cost sharing was enacted Congress has blocked it from being implemented. Since 2003, a bipartisan group of senators have included language in each of the Department of Transportation's appropriations acts that bars the use of funds to implement the mandatory cost sharing program. Our bill would simply make Congress' ongoing ban permanent.

All across America, small communities face ever-increasing hurdles to promoting their economic growth and development. Today, many rural areas lack access to interstate or even four-lane highways, railroads or broadband telecommunications. Business development in rural areas frequently hinges on the availability of scheduled air service. For small communities, commercial air service provides a critical link to the national and international transportation system.

The Essential Air Service Program currently ensures commercial air service to over 100 communities in thirty-five States. EAS supports an additional 39 communities in Alaska. Because of increasing costs and the continuing financial turndown in the aviation industry, particularly among commuter airlines, about 40 additional communities have been forced into the EAS program since the terrorist attacks in 2001.

In my State of New Mexico, five cities currently rely on EAS for their commercial air service. The communities are Clovis, Hobbs, Carlsbad, Alamogordo and my hometown of Silver City. In each case commercial service is provided to Albuquerque, the State's business center and largest city.

I believe this ill-conceived proposal requiring cities to pay to continue to have commercial air service could not come at a worse time for small communities already facing depressed economies and declining tax revenues.

As I understand it, the mandatory cost-sharing requirements could affect communities in as many as 22 states. These communities could be forced to pay as much s $130,000 per year to maintain their current air service. Based on an analysis by my staff, the individual cities that could be affected are as follows:

Alabama, Muscle Shoals; Arizona, Prescott, Kingman; Arkansas, Hot Springs, Harrison, Jonesboro; California, Merced, Visalia; Colorado, Pueblo; Georgia, Athens; Iowa, Fort Dodge, Burlington; Kansas, Salina; Kentucky, Owensboro; Maine, Augusta, Rockland; Maryland, Hagerstown; Michigan, Iron Mt.; Mississippi, Laurel; Missouri, Joplin, Ft. Leonard Wood; New Hampshire, Lebanon; New Mexico, Hobbs, Alamogordo, Clovis; New York, Watertown, Jamestown, Plattsburgh; Pennsylvania, Johnstown, Oil City, Bradford, Altoona, Lancaster; South Dakota, Brookings, Watertown; Tennessee, Jackson; Vermont, Rutland; West Virginia, Clarksburg/Fairmont, Morgantown.

This year the Senate Commerce Committee and its Aviation Subcommittee will be taking up the reauthorization of aviation programs. I look forward to working with my colleagues Chairmen INOUYE and ROCKEFELLER and Ranking Members STEVENS and LOTT to improve commercial air service programs for rural areas. I do believe our bill is one important step in that process.

As I see it, the choice here is clear: If we do not preserve the Essential Air Service Program today, we could soon see the end of all commercial air service in rural areas. The EAS program provides vital resources that help link rural communities to the national and global aviation system. Our bill will preserve the essential air service program and help ensure that affordable, reliable, and safe air service remains available in rural America. Congress is already on record opposing any mandatory cost sharing. I hope all senators will once again join us in opposing this attack on rural America.

I ask unanimous consent that the text of the bill be printed in the RECORD.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator BINGAMAN, to introduce the bipartisan Essential Air Service Preservation Act. I am proud to join with Senator BINGAMAN, who has been a steadfast and resolute guardian of commercial aviation service to all communities, particularly rural areas that would otherwise be deprived of any air service.

I have always believed that reliable air service in our Nation's rural areas is not simply a luxury or a convenience. It is an imperative. It is a critical element of economic development, vital to move people and goods to and from areas that may otherwise have dramatically limited transportation options. Quite frankly, I have long held serious concerns about the impact deregulation of the airline industry has had on small- and medium-size cities in rural areas, like Maine. That fact is, since deregulation, many small- and medium-size communities, in Maine and elsewhere, have experienced a decrease in flights and size of aircraft while seeing an increase in fares. More than 300 have lost air service altogether.

This legislation will strike a detrimental provision in the 2003 Federal Aviation Reauthorization. This provision, which would require communities to actually pay to continue to participate in a program that already acknowledges their economic hardship, is patently unfair. Ignoring the promise of the EAS, to protect these communities after deregulating the airlines in 1978, is not an option. Our colleagues have clearly greed with our position, as this provision has been struck down in every appropriations bill since the passage of the 2003 reauthorization. Our bill would make this prohibition permanent.

EAS-eligible communities typically have financial problems of their own and rely heavily on the program for economic development purposes. It is obvious to me, Senator BINGAMAN, and many of my colleagues, that if the 2003 proposal were enacted, it would mean the end of EAS service in dozens of cities and towns across the country. In Maine, which has four participants in the integral EAS program, we would suffer the possible loss of half of our EAS airports. In a small, rural State like Maine, such a reduction would be disastrous to our economy. That is why

I feel compelled to reintroduce this legislation.

In closing, the truth is, everyone benefits when our Nation is at its strongest economically. Most importantly in this case, greater prosperity everywhere, including in rural America, will, in the long run, mean more passengers for the airlines. Therefore, it is very much in our national interests to ensure that every region has reasonable access to air service. And that's why I strongly believe the Federal Government has an obligation to fulfill the commitment it made to these communities in 1978 to safeguard their ability to continue commercial air service.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Essential Air Service Preservation Act of 2007''.

SEC. 2. REPEAL OF EAS LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by striking the item relating to section 41747.

By Mr. FEINGOLD:

S. 436. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I will introduce a bill to repair and strengthen the presidential public financing system. The Presidential Funding Act of 2007 will ensure that this system will continue to fulfill its promise in the 21st century. The bill will take effect in January 2009, so it will first apply in the 2012 presidential election.

The presidential public financing system was put into place in the wake of the Watergate scandals as part of the Federal Election Campaign Act of 1974. It was held to be constitutional by the Supreme Court in Buckley v. Valeo. The system, of course, is voluntary, as the Supreme Court required in Buckley. Every major party nominee for President since 1976 has participated in the system for the general election and, prior to 2000, every major party nominee had participated in the system for the primary election, too. In the last election, President Bush and two Democratic candidates, Howard Dean and the eventual nominee JOHN KERRY, opted out of the system for the presidential primaries. President Bush and Senator KERRY elected to take the taxpayer-funded grant in the general election. President Bush also opted out of the system for the Republican primaries in 2000 but took the general election grant.

It is unfortunate that the matching funds system for the primaries has become less practicable. The system protects the integrity of the electoral process by allowing candidates to run viable campaigns without becoming overly dependent on private donors. The system has worked well in the past, and it is worth repairing so that it can work in the future. If we don't repair it, the pressures on candidates to opt out will increase until the system collapses from disuse.

This bill makes changes to both the primary and general election public financing system to address the weaknesses and problems that have been identified by participants in the system, experts on the presidential election financing process, and an electorate that is increasingly dismayed by the influence of money in politics. First and most important, it eliminates the State-by-State spending limits in the current law and substantially increases the overall spending limit from the current limit of approximately $45 million to $150 million, of which up to $100 million can be spent before April 1 of the election year. This should make the system much more viable for serious candidates facing opponents who are capable of raising significant sums outside the system. The bill also makes available substantially more public money for participating candidates by increasing the match of small contributions from 1:1 to 4:1.

One very important provision of this bill ties the primary and general election systems together and requires candidates to make a single decision on whether to participate. Candidates who opt out of the primary system and decide to rely solely on private money cannot return to the system for the general election. And candidates must commit to participate in the system in the general election if they want to receive Federal matching funds in the primaries. The bill also increases the spending limits for participating candidates in the primaries who face a nonparticipating opponent if that opponent raises more than 20 percent more than the spending limit. This provides some protection against being far outspent by a nonparticipating opponent. Additional grants of public money are also available to participating candidates who face a nonparticipating candidate spending substantially more than the spending limit.

The bill also sets the general election spending limit at $100 million, indexed for inflation. And if a general election candidate does not participate in the system and spends more than 20 percent more than the combined primary and general election spending limits, a participating candidate will receive a grant equal to twice the general election spending limit.

This bill also addresses what some have called the ''gap'' between the primary and general election seasons. Presumptive presidential nominees have emerged earlier in the election year over the life of the public financing system. This has led to some nominees being essentially out of money between the time that they nail down the nomination and the convention where they are formally nominated and become eligible for the general election grant. For a few cycles, soft money raised by the parties filled in that gap, but the Bipartisan Campaign Reform Act of 2002 fortunately has now closed that loophole. This bill allows candidates who are still in the primary race as of April 1 to spend an additional $50 million. In addition, the bill allows the political parties to spend up to $25 million between April 1 and the date that a candidate is nominated and an additional $25 million after the nomination. The total amount of $50 million is over three times the amount allowed under current law. This should allow any gap to be more than adequately filled.

Obviously, these changes make this a more generous system. So the bill also makes the requirement for qualifying more difficult. To be eligible for matching funds, a candidate must raise $25,000 in matchable contributions—up to $200 for each donor—in at least 20 States. That is five times the threshold under current law.

The bill also makes a number of changes in the system to reflect the changes in our presidential races over the past several decades. For one thing, it makes matching funds available starting six months before the date of the first primary or caucus, that's approximately 6 months earlier than is currently the case. For another, it sets a single date for release of the public grants for the general election—the Friday before Labor Day. This addresses an inequity in the current system, under which the general election grants are released after each nominating convention, which can be several weeks apart.

The bill also prohibits federal elected officials and candidates from soliciting soft money for use in funding the party and requires presidential candidates to disclose bundled contributions. Additional provisions, and those I have discussed in summary form here, are explained in a section-by-section analysis of the bill that I ask unanimous consent to be printed in the RECORD, following my statement. I will also ask unanimous consent that the text of the bill itself be printed in the RECORD.

The purpose of this bill is to improve the campaign finance system, not to advance one party's interests. In fact, this is an excellent time to make changes in the Presidential public funding system. The 2008 presidential campaign, which is already underway, will undoubtedly be the most expensive in history. It is likely that a number of candidates from both parties will once again opt out of the primary matching funds system, and some experts predict that one or both major party nominees will even refuse public grants for the

general election period. It is too late to make the changes needed to repair the system for the 2008 election. But if we act now, we can make sure that an updated and revised system is in place for the 2012 election. If we act now, I am certain that the 2008 campaign cycle will confirm our foresight. If we do nothing, 2008 will continue and accelerate the slide of the current system into irrelevancy.

Fixing the presidential public financing system will cost money, but our best calculations at the present time indicate that the changes to the system in this bill can be paid for by raising the income tax check-off on an individual return from $3 to just $10. The total cost of the changes to the system, based on data from the 2004 elections, is projected to be around $360 million over the 4-year election cycle. To offset that increased cost, this bill caps taxpayer subsidies for promotion of agricultural products, including some brand-name goods, by limiting the Market Access Program to $100 million per year.

Though the numbers are large, this is actually a very small investment to make to protect our democracy and preserve the integrity of our presidential elections. The American people do not want to see a return to the pre-Watergate days of unlimited spending on presidential elections and candidates entirely beholden to private donors. We must act now to ensure the fairness of our elections and the confidence of our citizens in the process by repairing the cornerstone of the Watergate reforms.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL FUNDING ACT OF 2006—SECTION BY SECTION ANALYSIS

SECTION 1: SHORT TITLE

SECTION 2: REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS

(a) Matching Funds: Current law provides for a 1-to-1 match, where up to $250 of each individual's contributions for the primaries is matched with $250 in public funds. Under the new matching system, individual contributions of up to $200 from each individual will be matched at a 4–to-l ratio, so $200 in individual contributions can be matched with $800 from public funds.

Candidates who remain in the primary race can also receive an additional 1-to-1 match of up to $200 of contributions received after March 31 of a presidential election year. This additional match applies both to an initial contribution made after March 31 and to contributions from individuals who already gave $200 or more prior to April 1.

The bill defines ''contribution'' as ''a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address.''

(b) Eligibility for matching funds: Current law requires candidates to raise $5,000 in matchable contributions (currently $250 or less) in 20 states. To be eligible for matching funds under this bill, a candidate must raise $25,000 of matchable contributions (up to $200 per individual donor) in at least 20 states.

In addition, to receive matching funds in the primary, candidates must pledge to apply for public money in the general election if nominated and to not exceed the general election spending limits.

(c) Timing of payments: Current law makes matching funds available on January 1 of a presidential election year. The bill makes such funds available six months prior to the first state caucus or primary.

SECTION 3: REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTIONS PAYMENTS

Currently, candidates can participate in either the primary or the general election public financing system, or both. Under the bill, a candidate must participate in the primary matching system in order to be eligible to receive public funds in the general election.

SECTION 4: REVISIONS TO EXPENDITURE LIMITS

(a) Spending limits for candidates: In 2004, under current law, candidates participating in the public funding system had to abide by a primary election spending limit of about $45 million and a general election spending limit of about $75 million (all of which was public money). The bill sets a total primary spending ceiling for participating candidates in 2008 of $150 million, of which only $100 million can be spent before April 1. State by state spending limits are eliminated. The general election limit, which the major party candidates will receive in public funds, will be $100 million.

(b) Spending limit for parties: Current law provides a single coordinated spending limit for national party committees based on population. In 2004 that limit was about $15 million. The bill provides two limits of $25 million. The first applies after April 1 until a candidate is nominated. The second limit kicks in after the nomination. Any part of the limit not spent before the nomination can be spent after. In addition, the party coordinated spending limit is eliminated entirely until the general election public funds are released if there is an active candidate from the opposing party who has exceeded the primary spending limits by more than 20 percent.

This will allow the party to support the presumptive nominee during the so-called ''gap'' between the end of the primaries and the conventions. The entire cost of a coordinated party communication is subject to the limit if any portion of that communication has to do with the presidential election.

(c) Inflation adjustment: Party and candidate spending limits will be indexed for inflation, with 2008 as the base year.

(d) Fundraising expenses: Under the bill, all the costs of fundraising by candidates are subject to their spending limits.

SECTION 5: ADDITIONAL PAYMENTS AND INCREASED EXPENDITURES LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS

(a) Primary candidates: When a participating candidate is opposed in a primary by a nonparticipating candidate who spends more than 120 percent of the primary spending limit ($100 million prior to April 1 and $150 million after April 1), the participating candidate will receive a 5-to–1 match, instead of a 4–to–1 match for contributions of less than $200 per donor. That additional match applies to all contributions received by the participating candidate both before and after the nonparticipating candidate crosses the 120 percent threshold. In addition, the participating candidate's primary spending limit is raised by $50 million when a nonparticipating candidate raise spends more than the 120 percent of either the $100 million (before April 1) or $150 million (after April 1) limit. The limit is raised by another $50 million if the nonparticipating candidate spends more than 120 percent of the increased limit. Thus, the maximum spending limit in the primary would be $250 million if an opposing candidate has spent more than $240 million.

(b) General election candidates: When a participating candidate is opposed in a general election by a nonparticipating candidate who spends more than 120 percent of the combined primary and general election spending limits, the participating candidate shall receive an additional grant of public money equal to the amount provided for that election—$100 million in 2008. Minor party candidates are also eligible for an additional grant equal to the amount they otherwise receive (which is based on the performance of that party in the previous presidential election).

(c) Reporting and Certification: In order to provide for timely determination of a participating candidate's eligibility for increased spending limits, matching funds, and/or general election grants, non-participating candidates must notify the FEC within 24 hours after receiving contributions or making expenditures of greater than the applicable 120 percent threshold. Within 24 hours of receiving such a notice, the FEC will inform candidates participating in the system of their increased expenditure limits and will certify to the Secretary of the Treasury that participating candidates are eligible to receive additional payments.

SECTION 6: ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTIONS CAMPAIGN FUNDS TO ELIGIBLE CANDIDATES

Under current law, candidates participating in the system for the general election receive their grants of public money immediately after receiving the nomination of their party, meaning that the two major parties receive their grants on different dates. Under the bill, all candidates eligible to receive public money in the general election would receive that money on the Friday before Labor Day, unless a candidate's formal nomination occurs later.

SECTION 7: REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS

The tax check-off is increased from $3 (individual) and $6 (couple) to $10 and $20. The amount will be adjusted for inflation, and rounded to the nearest dollar, beginning in 2009.

The IRS shall require by regulation that electronic tax preparation software does not automatically accept or decline the tax checkoff. The FEC is required to inform and educate the public about the purpose of the Presidential Election Campaign Fund (''PECF'') and how to make a contribution. Funding for this program of up to $10 million in a four year presidential election cycle, will come from the PECF.

SECTION 8: AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND

Under current law, in January of an election year if the Treasury Department determines that there are insufficient funds in the PECF to make the required payments to participating primary candidates, the party conventions, and the general election candidates, it must reduce the payments available to participating primary candidates and it cannot make up the shortfall from any other source until those funds come in. Under the bill, in making that determination the Department can include an estimate of the amount that will be received by the PECF during that election year, but the estimate cannot exceed the past three years' average contribution to the fund. This will allow primary candidates to receive their

full payments as long as a reasonable estimate of the funds that will come into the PECF that year will cover the general election candidate payments. The bill allows the Secretary of the Treasury to borrow the funds necessary to carry out the purposes of the fund during the first campaign cycle in which the bill is in effect.

SECTION 9: REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS

Current law gives the political parties priority on receiving the funds they are entitled to from the PECF. This means that parties get money for their conventions even if adequate funds are not available for participating candidates. This section would make funds available for the conventions only if all participating candidates have received the funds to which they are entitled.

SECTION 10: REGULATION OF CONVENTION FINANCING

Federal candidates and officeholders are prohibited from raising or spending soft money in connection with a nominating convention of any political party, including funds for a host committee, civic committee, or municipality.

SECTION 11: DISCLOSURE OF BUNDLED CONTRIBUTIONS

(a) Disclosure requirement: The authorized committees of presidential candidate committee must report the name, address, and occupation of each person making a bundled contribution and the aggregate amount of bundled contributions made by that person.

(b) Definition of bundled contribution. A bundled contribution is a series of contributions totaling $10,000 or more that are (1) collected by one person and transferred to the candidate; or (2) delivered directly to the candidate from the donor but include a written or oral communication that the funds were ''solicited, arranged, or directed'' by someone other than the donor. This covers the two most common bundling arrangements where fundraisers get ''credit'' for collecting contributions for a candidate.

SECTION 12: OFFSET

This section provides an offset for the increased cost of the presidential public funding system. It caps taxpayer subsidies for promotion of agricultural products, including some brand-named goods, by limiting the Market Access Program to $100 million per year.

SECTION 13: EFFECTIVE DATE

Provides that the amendments will apply to presidential elections occurring after January 1, 2009.

S. 436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Presidential Funding Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS.

(a) INCREASE IN MATCHING PAYMENTS.—

(1) IN GENERAL.—Section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''an amount equal to the amount'' and inserting ''an amount equal to 400 percent of the amount''; and

(B) by striking ''$250'' and inserting ''$200''.

(2) ADDITIONAL MATCHING PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—Section 9034(b) of such Code is amended to read as follows:

''(b) ADDITIONAL PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—In addition to any payment under subsection (a), an individual who is a candidate after March 31 of the calendar year in which the presidential election is held and who is eligible to receive payments under section 9033 shall be entitled to payments under section 9037 in an amount equal to the amount of each contribution received by such individual after March 31 of the calendar year in which such presidential election is held, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person after such date exceeds $200.''.

(3) CONFORMING AMENDMENTS.—Section 9034 of such Code, as amended by paragraph (2), is amended—

(A) by striking the last sentence of subsection (a); and

(B) by inserting after subsection (b) the following new subsection:

''(c) CONTRIBUTION DEFINED.—For purposes of this section and section 9033(b), the term 'contribution' means a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).''.

(b) ELIGIBILITY REQUIREMENTS.—

(1) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE.—Section 9033(b)(3) of such Code is amended by striking ''$5,000'' and inserting ''$25,000''.

(2) AMOUNT OF INDIVIDUAL CONTRIBUTIONS.—Section 9033(b)(4) of such Code is amended by striking ''$250'' and inserting ''$200''.

(3) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR GENERAL ELECTION.—Section 9033(b) of such Code is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting '', and''; and

(C) by adding at the end the following new paragraph:

''(5) if the candidate is nominated by a political party for election to the office of President, the candidate will apply for and accept payments with respect to the general election for such office in accordance with chapter 95, including the requirement that the candidate and the candidate's authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004.''.

(c) PERIOD OF AVAILABILITY OF PAYMENTS.—Section 9032(6) of such Code is amended by striking ''the beginning of the calendar year in which a general election for the office of President of the United States will be held'' and inserting ''the date that is 6 months prior to the date of the earliest State primary election''.

SEC. 3. REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTION PAYMENTS.

(a) MAJOR PARTY CANDIDATES.—Section 9003(b) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) the candidate received payments under chapter 96 for the campaign for nomination;''.

(b) MINOR PARTY CANDIDATES.—Section 9003(c) of such Code is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) the candidate received payments under chapter 96 for the campaign for nomination;''.

SEC. 4. REVISIONS TO EXPENDITURE LIMITS.

(a) INCREASE IN EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES; ELIMINATION OF STATE-SPECIFIC LIMITS.—

(1) IN GENERAL.—Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(1)) is amended by striking ''may make expenditures in excess of'' and all that follows and inserting ''may make expenditures—

''(A) with respect to a campaign for nomination for election to such office—

''(i) in excess of $100,000,000 before April 1 of the calendar year in which the presidential election is held; and

''(ii) in excess of $150,000,000 before the date described in section 9006(b) of the Internal Revenue Code of 1986; and

''(B) with respect to a campaign for election to such office, in excess of $100,000,000.''.

(2) CLERICAL CORRECTION.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''section 320(b)(1)(B) of the Federal Election Campaign Act of 1971'' and inserting ''section 315(b)(1)(B) of the Federal Election Campaign Act of 1971''.

(b) INCREASE IN LIMIT ON COORDINATED PARTY EXPENDITURES.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(2)) is amended to read as follows:

''(2)(A) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds $25,000,000.

''(B) Notwithstanding the limitation under subparagraph (A), during the period beginning on April 1 of the year in which a presidential election is held and ending on the date described in section 9006(b) of the Internal Revenue Code of 1986, the national committee of a political party may make additional expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party in an amount not to exceed $25,000,000.

''(C)(i) Notwithstanding subparagraph (B) or the limitation under subparagraph (A), if any nonparticipating primary candidate (within the meaning of subsection (b)(3)) affiliated with the national committee of a political party receives contributions or makes expenditures with respect to such candidate's campaign in an aggregate amount greater than 120 percent of the expenditure limitation in effect under subsection

(b)(1)(A)(ii), then, during the period described in clause (ii), the national committee of any other political party may make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such other party without limitation.

''(ii) The period described in this clause is the period—

''(I) beginning on the later of April 1 of the year in which a presidential election is held or the date on which such nonparticipating primary candidate first receives contributions or makes expenditures in the aggregate amount described in clause (i); and

''(II) ending on the earlier of the date such nonparticipating primary candidate ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office or the date described in section 9006(b) of the Internal Revenue Code of 1986.

''(iii) If the nonparticipating primary candidate described in clause (i) ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office, clause (i) shall not apply and the limitations under subparagraphs (A) and (B) shall apply. It shall not be considered to be a violation of this Act if the application of the preceding sentence results in the national committee of a political party violating the limitations under subparagraphs (A) and (B) solely by reason of expenditures made by such national committee during the period in which clause (i) applied.

''(D) For purposes of this paragraph—

''(i) any expenditure made by or on behalf of a national committee of a political party and in connection with a presidential election shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party; and

''(ii) any communication made by or on behalf of such party shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party if any portion of the communication is in connection with such election.

''(E) Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.''.

(c) CONFORMING AMENDMENTS RELATING TO TIMING OF COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Section 315(c)(1) of such Act (2 U.S.C. 441a(c)(1)) is amended—

(A) in subparagraph (B), by striking ''(b), (d),'' and inserting ''(d)(3)''; and

(B) by inserting at the end the following new subparagraph:

''(D) In any calendar year after 2008—

''(i) a limitation established by subsection (b) or (d)(2) shall be increased by the percent difference determined under subparagraph (A);

''(ii) each amount so increased shall remain in effect for the calendar year; and

''(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.''.

(2) BASE YEAR.—Section 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B)) is amended—

(A) in clause (i)—

(i) by striking ''subsections (b) and (d)'' and inserting ''subsection (d)(3)''; and

(ii) by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) for purposes of subsection (b) and (d)(2), calendar year 2007.''.

(d) REPEAL OF EXCLUSION OF FUNDRAISING COSTS FROM TREATMENT AS EXPENDITURES.—Section 301(9)(B)(vi) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(vi)) is amended by striking ''in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b)'' and inserting the following: ''who is seeking nomination for election or election to the office of President or Vice President of the United States''.

SEC. 5. ADDITIONAL PAYMENTS AND INCREASED EXPENDITURE LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS.

(a) CANDIDATES IN PRIMARY ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9034 of the Internal Revenue Code of 1986, as amended by section 2, is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) ADDITIONAL PAYMENTS FOR CANDIDATES FACING NONPARTICIPATING OPPONENTS.—

''(1) IN GENERAL.—In addition to any payments provided under subsections (a) and (b), each candidate described in paragraph (2) shall be entitled to—

''(A) a payment under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the beginning of the calendar year preceding the calendar year of the presidential election with respect to which such candidate is seeking nomination and before the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200, and

''(B) payments under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200.

''(2) CANDIDATES TO WHOM THIS SUBSECTION APPLIES.—A candidate is described in this paragraph if such candidate—

''(A) is eligible to receive payments under section 9033, and

''(B) is opposed by a nonparticipating primary candidate of the same political party who receives contributions or makes expenditures with respect to the campaign—

''(i) before April 1 of the year in which the presidential election is held, in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(i) of the Federal Election Campaign Act of 1971, or

''(ii) before the date described in section 9006(b), in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(ii) of such Act.

''(3) NONPARTICIPATING PRIMARY CANDIDATE.—In this subsection, the term 'nonparticipating primary candidate' means a candidate for nomination for election for the office of President who is not eligible under section 9033 to receive payments from the Secretary under this chapter.

''(4) QUALIFYING DATE.—In this subsection, the term 'qualifying date' means the first date on which the contributions received or expenditures made by the nonparticipating primary candidate described in paragraph (2)(B) exceed the amount described under either clause (i) or clause (ii) of such paragraph.''.

(B) CONFORMING AMENDMENT.—Section 9034(b) of such Code, as amended by section 2, is amended by striking ''subsection (a)'' and inserting ''subsections (a) and (c)''.

(2) INCREASE IN EXPENDITURE LIMIT.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

''(3)(A) In the case of an eligible candidate, each of the limitations under clause (i) and (ii) of paragraph (1)(A) shall be increased—

''(i) by $50,000,000, if any nonparticipating primary candidate of the same political party as such candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) (before the application of this clause), and

''(ii) by $100,000,000, if such nonparticipating primary candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) after the application of clause (i).

''(B) Each dollar amount under subparagraph (A) shall be considered a limitation under this subsection for purposes of subsection (c).

''(C) In this paragraph, the term 'eligible candidate' means, with respect to any period, a candidate—

''(i) who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986;

''(ii) who is opposed by a nonparticipating primary candidate; and

''(iii) with respect to whom the Commission has given notice under section 304(i)(1)(B)(i).

''(D) In this paragraph, the term 'nonparticipating primary candidate' means, with respect to any eligible candidate, a candidate for nomination for election for the office of President who is not eligible under section 9033 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury under chapter 96 of such Code.''.

(b) CANDIDATES IN GENERAL ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking ''(1) The eligible candidates'' and inserting ''(1)(A) Except as provided in subparagraph (B), the eligible candidates''; and

(ii) by adding at the end the following new subparagraph:

''(B) In addition to the payments described in subparagraph (A), each eligible candidate of a major party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the expenditure limitation applicable under such section with respect to a campaign for election to the office of President.''.

(B) SPECIAL RULE FOR MINOR PARTY CANDIDATES.—Section 9004(a)(2)(A) of such Code is amended—

(i) by striking ''(A) The eligible candidates'' and inserting ''(A)(i) Except as provided in clause (ii), the eligible candidates''; and

(ii) by adding at the end the following new clause:

''(ii) In addition to the payments described in clause (i), each eligible candidate of a minor party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006

and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the payment to which such candidate is entitled under clause (i).''.

(2) EXCLUSION OF ADDITIONAL PAYMENT FROM DETERMINATION OF EXPENDITURE LIMITS.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(4) In the case of a candidate who is eligible to receive payments under section 9004(a)(1)(B) or 9004(a)(2)(A)(ii) of the Internal Revenue Code of 1986, the limitation under paragraph (1)(B) shall be increased by the amount of such payments received by the candidate.''.

(c) PROCESS FOR DETERMINATION OF ELIGIBILITY FOR ADDITIONAL PAYMENT AND INCREASED EXPENDITURE LIMITS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(i) REPORTING AND CERTIFICATION FOR ADDITIONAL PUBLIC FINANCING PAYMENTS FOR CANDIDATES.—

''(1) PRIMARY CANDIDATES.—

''(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—

''(i) EXPENDITURES IN EXCESS OF 120 PERCENT OF LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of section 315(b)(1)(A), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(ii) EXPENDITURES IN EXCESS OF 120 PERCENT OF INCREASED LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under section 315(b) after the application of paragraph (3)(A)(i) thereof, the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(B) CERTIFICATION.—Not later than 24 hours after receiving any written notice under subparagraph (A) from a candidate, the Commission shall—

''(i) certify to the Secretary of the Treasury that opponents of the candidate are eligible for additional payments under section 9034(c) of the Internal Revenue Code of 1986;

''(ii) notify each opponent of the candidate who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 of the amount of the increased limitation on expenditures which applies pursuant to section 315(b)(3); and

''(iii) in the case of a notice under subparagraph (A)(i), notify the national committee of each political party (other than the political party with which the candidate is affiliated) of the inapplicability of expenditure limits under section 315(d)(2) pursuant to subparagraph (C) thereof.

''(2) GENERAL ELECTION CANDIDATES.—

''(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—If a candidate in a presidential election who is not eligible to receive payments under section 9006 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(B) CERTIFICATION.—Not later than 24 hours after receiving a written notice under subparagraph (A), the Commission shall certify to the Secretary of the Treasury for payment to any eligible candidate who is entitled to an additional payment under paragraph (1)(B) or (2)(A)(ii) of section 9004(a) of the Internal Revenue Code of 1986 that the candidate is entitled to payment in full of the additional payment under such section.''.

SEC. 6. ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTION CAMPAIGN FUND TO ELIGIBLE CANDIDATES.

(a) IN GENERAL.—The first sentence of section 9006(b) of the Internal Revenue Code of 1986 is amended to read as follows: ''If the Secretary of the Treasury receives a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary shall, on the last Friday occurring before the first Monday in September, pay to such candidates of the fund the amount certified by the Commission.''.

(b) CONFORMING AMENDMENT.—The first sentence of section 9006(c) of such Code is amended by striking ''the time of a certification by the Comptroller General under section 9005 for payment'' and inserting ''the time of making a payment under subsection (b)''.

SEC. 7. REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS.

(a) INCREASE IN AMOUNT DESIGNATED.—Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence, by striking ''$3'' each place it appears and inserting ''$10''; and

(2) in the second sentence—

(A) by striking ''$6'' and inserting ''$20''; and

(B) by striking ''$3'' and inserting ''$10''.

(b) INDEXING.—Section 6096 of such Code is amended by adding at the end the following new subsection:

''(d) INDEXING OF AMOUNT DESIGNATED.—

''(1) IN GENERAL.—With respect to each taxable year after 2008, each amount referred to in subsection (a) shall be increased by the percent difference described in paragraph (2), except that if any such amount after such an increase is not a multiple of $1, such amount shall be rounded to the nearest multiple of $1.

''(2) PERCENT DIFFERENCE DESCRIBED.—The percent difference described in this paragraph with respect to a taxable year is the percent difference determined under section 315(c)(1)(A) of the Federal Election Campaign Act of 1971 with respect to the calendar year during which the taxable year begins, except that the base year involved shall be 2008.''.

(c) ENSURING TAX PREPARATION SOFTWARE DOES NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION QUESTION.—Section 6096 of such Code, as amended by subsection (b), is amended by adding at the end the following new subsection:

''(e) ENSURING TAX PREPARATION SOFTWARE DOES NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION QUESTION.—The Secretary shall promulgate regulations to ensure that electronic software used in the preparation or filing of individual income tax returns does not automatically accept or decline a designation of a payment under this section.''.

(d) PUBLIC INFORMATION PROGRAM ON DESIGNATION.—Section 6096 of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

''(f) PUBLIC INFORMATION PROGRAM.—

''(1) IN GENERAL.—The Federal Election Commission shall conduct a program to inform and educate the public regarding the purposes of the Presidential Election Campaign Fund, the procedures for the designation of payments under this section, and the effect of such a designation on the income tax liability of taxpayers.

''(2) USE OF FUNDS FOR PROGRAM.—Amounts in the Presidential Election Campaign Fund shall be made available to the Federal Election Commission to carry out the program under this subsection, except that the amount made available for this purpose may not exceed $10,000,000 with respect to any Presidential election cycle. In this paragraph, a 'Presidential election cycle' is the 4-year period beginning with January of the year following a Presidential election.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8. AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND.

(a) DETERMINATION OF AMOUNTS IN FUND.—Section 9006(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''In making a determination of whether there are insufficient moneys in the fund for purposes of the previous sentence, the Secretary shall take into account in determining the balance of the fund for a Presidential election year the Secretary's best estimate of the amount of moneys which will be deposited into the fund during the year, except that the amount of the estimate may not exceed the average of the annual amounts deposited in the fund during the previous 3 years.''.

(b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE UNDER THIS ACT.—

(1) IN GENERAL.—Section 9006 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) SPECIAL AUTHORITY TO BORROW.—

''(1) IN GENERAL.—Notwithstanding subsection (c), there are authorized to be appropriated to the fund, as repayable advances, such sums as are necessary to carry out the purposes of the fund during the period ending on the first presidential election occurring after the date of the enactment of this subsection.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—Advances made to the fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the fund.

''(B) RATE OF INTEREST.—Interest on advances made to the fund shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average

market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 9. REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS.

(a) IN GENERAL.—Section 9008(a) of the Internal Revenue Code of 1986 is amended by striking the period at the end of the second sentence and all that follows and inserting the following: '', except that the amount deposited may not exceed the amount available after the Secretary determines that amounts for payments under section 9006 and section 9037 are available for such payments.''.

(b) CONFORMING AMENDMENT.—The second sentence of section 9037(a) of such Code is amended by striking ''section 9006(c) and for payments under section 9008(b)(3)'' and inserting ''section 9006''.

SEC. 10. REGULATION OF CONVENTION FINANCING.

Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended by adding at the end the following new subsection:

''(g) NATIONAL CONVENTIONS.—Any person described in subsection (e) shall not solicit, receive, direct, transfer, or spend any funds in connection with a presidential nominating convention of any political party, including funds for a host committee, civic committee, municipality, or any other person or entity spending funds in connection with such a convention, unless such funds—

''(1) are not in excess of the amounts permitted with respect to contributions to the political committee established and maintained by a national political party committee under section 315; and

''(2) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.''.

SEC. 11. DISCLOSURE OF BUNDLED CONTRIBUTIONS.

(a) IN GENERAL.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) in the case of an authorized committee of a candidate for President, the name, address, occupation, and employer of each person who makes a bundled contribution, and the aggregate amount of the bundled contributions made by such person during the reporting period.''.

(b) BUNDLED CONTRIBUTION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

''(27) BUNDLED CONTRIBUTION.—The term 'bundled contribution' means a series of contributions that are, in the aggregate, $10,000 or more and—

''(A) are transferred to the candidate or the authorized committee of the candidate by one person; or

''(B) include a written or oral notification that the contribution was solicited, arranged, or directed by a person other than the donor.''.

SEC. 12. OFFSET.

(a) IN GENERAL.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking ''and $200,000,000 for each of fiscal years 2006 and 2007'' and inserting ''$200,000,000 for fiscal year 2006, and $100,000,000 for fiscal year 2007''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to elections occurring after January 1, 2009.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 437. A bill to provide for the conveyance of an A–12 Blackbird aircraft to the Minnesota Air National Guard Historical Foundation; to the Committee on Armed Services.

Mr. COLEMAN. Mr. President, today I am introducing a bill to transfer ownership of a 1960s A–12 Blackbird spy plane to the Minnesota Air National Guard Historical Foundation.

The legislation will allow the A–12 to stay in the Minnesota Air National Guard Museum and to be displayed for educational and other appropriate public purposes.

The A–12 Blackbird planes were in many ways the apex of jet design. No known jet is believed to have flown faster—three times the speed of sound, or higher—above 90,000 feet. It is a landmark in the history of aviation that will never be repeated again.

The Minnesota A–12, retired in 1968 and rescued by Minnesota volunteers from a California scrap heap more than a decade ago, is housed at the 133rd Airlift Wing of the Minneapolis-St. Paul International Airport. Almost fifteen thousand Minnesotans contributed to the restoration of the A–12 and the creation of the Blackbird program. Ever since, it has been the centerpiece of the Minnesota Air National Guard Museum. The aircraft is the only A–12 currently used as a hands-on educational resource with a group of highly trained instructors who provide meaningful insight for the general public into the aircraft's history and meaning.

This aircraft is of great significance not only to the volunteers who sacrificed time and resources to restore a great remnant of American history, but also to the citizens of Minnesota and around the country who have benefited greatly from this knowledge of our military history.

Unfortunately, the A–12 is considered to be ''on loan'' from the U.S. Air Force, which recently has decided to transfer the plane to the CIA Headquarters as part of the agency's 60th anniversary celebration. If this plan goes ahead, the plane will no longer be available for public viewing.

Over the years, volunteers throughout Minnesota have generously devoted their time and resources to maintaining this plane. To transfer the plane away from the very people whose hard work has made the aircraft what it is today is simply unfair. It is necessary that we retain this piece of Minnesota history, and keep the Blackbird in a place where it will always be accessible to the public. I hope the Senate will be able to act on this legislation and help to save a significant piece of history.

I ask unanimous consent that the bill I introduce today, to provide for the conveyance of an A–12 Blackbird aircraft to the Minnesota Air National Guard Historical Foundation, be printed in the record.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF A–12 BLACKBIRD AIRCRAFT TO THE MINNESOTA AIR NATIONAL GUARD HISTORICAL FOUNDATION.

(a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey, without consideration, to the Minnesota Air National Guard Historical Foundation, Inc. (in this section referred to as the ''Foundation''), a non-profit entity located in the State of Minnesota, A–12 Blackbird aircraft with tail number 60–6931 that is under the jurisdiction of the National Museum of the United States Air Force and, as of January 1, 2007, was on loan to the Foundation and display with the 133rd Airlift Wing at Minneapolis-St. Paul International Airport, Minnesota.

(b) CONDITION.—The conveyance required by subsection (a) shall be subject to the requirement that Foundation utilize and display the aircraft described in that subsection for educational and other appropriate public purposes as jointly agreed upon by the Secretary and the Foundation before the conveyance.

(c) RELOCATION OF AIRCRAFT.—As part of the conveyance required by subsection (a), the Secretary shall relocate the aircraft described in that subsection to Minneapolis-St. Paul International Airport and undertake any reassembly of the aircraft required as part of the conveyance and relocation. Any costs of the Secretary under this subsection shall be borne by the Secretary.

(d) MAINTENANCE SUPPORT.—The Secretary may authorize the 133rd Airlift Wing to provide support to the Foundation for the maintenance of the aircraft relocated under subsection (a) after its relocation under that subsection.

(e) REVERSION OF AIRCRAFT.—

(1) REVERSION.—In the event the Foundation ceases to exist, all right, title, and interest in and to the aircraft conveyed under subsection (a) shall revert to the United States, and the United States shall have immediate right of possession of the aircraft.

(2) ASSUMPTION OF POSSESSION.—Possession under paragraph (1) of the aircraft conveyed under subsection (a) shall be assumed by the 133rd Airlift Wing.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. KOHL, and Mr. LEAHY):

S. 438. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with Senators SCHUMER,

KOHL and LEAHY to reintroduce an important bill for all Americans. The bill that we are reintroducing today would reduce barriers to affordable prescription drugs by eliminating one of the prominent loopholes brand name drug companies use to limit access to generic drugs.

Our bill, the Fair Prescription Drug Competition Act of 2007, would end the marketing of so-called ''authorized generics'' during the 180-day period Congress created exclusively for true generics to enter the market. I have spoken with my colleagues many times about this important issue.

In an effort to balance the need for returns on research facilitated by brand name prescription drug companies with the need for more affordable prescription drug options for consumers, Congress passed the Hatch-Waxman law in 1984. This law provided brand name companies with a number of incentives for investing in the research and development of new medications. These included a 20-year patent on drugs, 5 years of data exclusivity, 3 years of exclusivity for clinical trials, up to 5 years of patent extension, 6 months exclusivity for conducting pediatric testing, and a 30-month automatic stay against generic competition if the generic challenges the brand patent. Generic prescription drug manufacturers, on the other hand, received a 180-day exclusivity period, awarded to the first company to successfully challenge a brand name patent and enter the market.

This 6-month exclusivity period has been crucial to encouraging generic drug companies to make existing drugs more affordable. Challenging a brand name drug's patent takes time, money, and involves absorbing a great deal of risk. Generic drug companies rely on the added revenue provided by the 180-day exclusivity period to recoup their costs, fund new patent challenges where appropriate, and ultimately pass savings onto consumers.

Since 1984, there have been many attempts to exploit loopholes in the law in order to delay generic entry to the market and extend brand monopolies. The 2003 Medicare law addressed many of these loopholes. However, brand name manufacturers have found another loophole in current law, so-called ''authorized generics.''

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic in order to confuse consumers and shut true generics out of the market. Because it is not a true generic and does not require an additional FDA approval, an authorized generic can be marketed during the federally mandated 6-month exclusivity period for generics. This discourages true generic companies from entering the market and offering lower-priced prescription drugs.

As I have said many times, authorized generics are a sham. This practice of re-labeling a brand product and placing it on the market to undermine the 180-day exclusivity period will only serve to reduce generic competition and lead to longer brand monopolies and higher healthcare costs over the long-term.

Brand name drug companies are expected to lose as much as $75 billion over the next 5 years as some of their best sellers go off-patent and generic competition increases. So, not surprisingly, these big pharmaceutical companies are desperately trying to protect their market share and prevent consumers from cashing in on savings from generic drugs,

Today, generic medications comprise more than 56 percent of all prescriptions in this country, and yet they account for only 13 percent of our nation's drug costs. In fact, generic drugs provide 50 to 80 percent cost-savings over brand name drugs. These savings make a big difference in the lives of working families. That is why we must protect the true intent of Hatch-Waxman.

The bill we are introducing today eliminates the authorized generic loophole, protects the integrity of the 180 days, and improves consumer access to lower-cost generic drugs. I urge my colleagues to support this timely and important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Prescription Drug Competition Act''.

SEC. 2. PROHIBITION OF AUTHORIZED GENERICS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(o) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, direct or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

''(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term 'authorized generic drug'—

''(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

''(B) does not include any drug to be marketed, sold, or distributed—

''(i) by an entity eligible for exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

''(ii) after expiration or forfeiture of any exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).''.

Mr. LEAHY. Mr. President, I am pleased today to join Senators ROCKEFELLER, KOHL and SCHUMER in introducing legislation to end the use of so-called ''authorized generics'' during the 180-day period that Congress intended for true generic market exclusivity. Authorized generics are nothing more than repackaged brand name drugs purporting to be a generic, but without the benefit of a true generic's lower cost. This practice is anticompetitive and anti-consumer.

Amendments to the Hatch-Waxman Act of 1984, enacted as part of the Medicare Modernization Act (Title XI, PL 108–173) in 2003, generally grant a generic company that successfully challenges the patent of a name brand pharmaceutical company 180 days of marketing exclusivity on that generic drug. Having co-sponsored those amendments, I know that they were designed to give greater incentives for generic manufacturers to bring generic drugs quickly to the market, thus promoting competition and lowering prices for consumers.

In 2005, Senators GRASSLEY and ROCKEFELLER and I raised concerns about the practice of manufacturing authorized generics. We feared that practice could have a negative impact on competition for both blockbuster and smaller drugs, because the generic industry would be less inclined to invest in their production. According to a recent Generic Pharmaceutical Association study, our fears were well founded: Authorized generics diminish Hatch-Waxman incentives for generic firms to challenge brand name patents, resulting in higher consumer prices.

The legislation we introduce today bars brand name drug firms from producing ''authorized generics.'' Slapping a different name on a patented drug and calling it generic is not real competition, and it saps incentives from real generic drug makers to compete by making lower-cost generic drugs. Consumers deserve the lower costs and real choices of truly generic medicines.

I look forward to working with my colleagues on both sides of the aisle to make this good bill into a good law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 46—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI